[redacted] Mailing Address | [redacted] Mailing CSZ | **Fresno** | **USA - United States of America**

Employment Type: **CE - Currently Employed** | Occupation/Grade: [redacted] | Employer/School: [redacted]
Resident of Jurisdiction: **R - Resident** | Employer/School Phone: [redacted] | Employer/School Address: [redacted] | CSZ: **CLOVIS, CA 93611**

DOB	Age	Race	Sex	Height	Weight	Ethnicity
[redacted]	**20**	**W - White**	**M - Male**			**N - Not of Hispanic Origin**

Hair Color	Hair Length	Hair Style	Facial Hair	Eye Color	Complexion	Build

Teeth | Clothing | Testify | POB | Primary Language

Scars/Marks/Tattoos
Location | Description | Photo

Gang Criteria
Gang Related

Criteria

Con Information
Type: **C - Cell Phone** | Phone/Email/Other: [redacted]

Identification
Gang ID | MNI

Type	Number	Primary ID	State	Country	Class	Expiration	Notes

Relationships
To Whom | How

Parole/Probation Contacts
Agency | Agent Name | Agent Phone

Witness W2: [redacted]

Name: [redacted]D | Alert(s)

AKA(s)

Address: [redacted] Mailing Address | CSZ: [redacted] Mailing CSZ | County: **Fresno** | Country: **USA - United States of America**

Employment Type: **CE - Currently Employed** | Occupation/Grade: [redacted] | Employer/School: [redacted]
Res of Jurisdiction: **R - Resident** | Employer/School Phone: [redacted] | Employer/School Address: [redacted] | CSZ: [redacted]

DOB	Age	Race	Sex	Height	Weight	Ethnicity
[redacted]	**21**	**W - White**	**M - Male**			**N - Not of Hispanic Origin**

Hair Color	Hair Length	Hair Style	Facial Hair	Eye Color	Complexion	Build

Date Entered: 03/27/2013 08:38:29
Entered By: [redacted]
Date Verified: 04/25/2013 15:25:09
Verified By: [redacted]
Printed For: 0
Printed: June 7, 2013 - 13:32:51

Teeth | Clothing | Testify | POB | Primary Language

Scars/Marks/Tattoos
Location | Description | Photo

Gang Criteria
Gang Related

Criteria

Contact Information
Type: **C - Cell Phone** | Phone/Email/Other: [redacted]

Identification
Gang ID | MNI

Type | Number | Primary ID | State | Country | Class | Expiration | Notes

Relationships
To Whom | How

Par[illegible]robation Contacts
Agency | Agent Name | Agent Phone

Witness W3: [redacted]

Name: [redacted] | Alert(s)

AKA(s)

Address: [redacted] | CSZ: [redacted] | County: **Fresno** | Country: **USA - United States of America**
Mailing Address | Mailing CSZ

Employment Type: **CE - Currently Employed** | Occupation/Grade: [redacted] | Employer/School: [redacted]
Resident of Jurisdiction: **N - Nonresident** | Employer/School Phone: [redacted] | Employer/School Address: [redacted] | CSZ: [redacted]

DOB	Age	Race	Sex	Height	Weight	Ethnicity
[redacted]	**20**	**W - White**	**M - Male**			**N - Not of Hispanic Origin**

Hair Color | Hair Length | Hair Style | Facial Hair | Eye Color | Complexion | Build

Teeth | Clothing | Testify | POB | Primary Language

Scars/Marks/Tattoos
Location | Description | Photo

Gan[illegible]iteria
Gang Related

Criteria

Date Entered: 03/27/2013 08:38:29
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Date Verified: 04/25/2013 15:25:09
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Printed For: 0
Printed: June 7, 2013 - 13:32:51

Contact Information

Type	Phone/Email/Other
C - Cell Phone	[redacted]

Identification

Gang ID | MNI

Type	Number	Primary ID	State	Country	Class	Expiration	Notes

Relationships

To Whom | How

Parole/Probation Contacts

Agency | Agent Name | Agent Phone

Witness W4: [redacted]

Name [redacted] | Alert(s)

AKA(s)

Address [redacted] | CSZ [redacted] | County **Fresno** | Country **USA - United States of America**

Mail .ddress | Mailing CSZ

Employment Type	Occupation/Grade	Employer/School
CE - Currently Employed	[redacted]	[redacted]

Resident of Jurisdiction	Employer/School Phone	Employer/School Address	CSZ
R - Resident	[redacted]	[redacted]	**CLOVIS, CA 93612**

DOB	Age	Race	Sex	Height	Weight	Ethnicity
[redacted]	**44**	**W - White**	**M - Male**			**N - Not of Hispanic Origin**

Hair Color | Hair Length | Hair Style | Facial Hair | Eye Color | Complexion | Build

Teeth | Clothing | Testify | POB | Primary Language

Scars/Marks/Tattoos

Location | Description | Photo

Gang Criteria

Gang Related
N - No

Criteria

Contact Information

Type	Phone/Email/Other
H - Home Phone	[redacted]

Identification

Gang ID | MNI

Type	Number	Primary ID	State	Country	Class	Expiration	Notes

Relationships

To Whom | How

Date Entered: 03/27/2013 08:38:29
Entered By: [redacted]

Date Verified: 04/25/2013 15:25:09
Verified By: [redacted]

Printed For: 0
Printed: June 7, 2013 - 13:32:51

Parole/Probation Contacts
Agency | Agent Name | Agent Phone

Other Entity O1: [redacted]

Name [redacted] Alert(s)
Entity Type
IV - Interviewed
AKA(s)

Address [redacted] CSZ [redacted] County **Fresno** Country **USA - United States of America**
Mailing Address | Mailing CSZ

Employment Type **CE - Currently Employed** | Occupation/Grade [redacted] | Employer/School [redacted]
Resident of Jurisdiction **N - Nonresident** | Employer/School Phone [redacted] | Employer/School Address [redacted] | CSZ **SANGER ,CA 93657**

DOB	Age	Race	Sex	Height	Weight	Ethnicity
[redacted]	**33**	**W - White**	**F - Female**			**N - Not of Hispanic Origin**

Hair Color	Hair Length	Hair Style	Facial Hair	Eye Color	Complexion	Build

Teeth | Clothing | POB | Primary Language

Scars/Marks/Tattoos
Location | Description | Photo

Gang Criteria
Gang Related

Criteria

Contact Information
Type **C - Cell Phone** | Phone/Email/Other [redacted]

Identification
Gang ID | MNI

Type	Number	Primary ID	State	Country	Class	Expiration	Notes

Relationships
To Whom | How

Parole/Probation Contacts
Agency | Agent Name | Agent Phone

Other Entity O2: [redacted]

Name [redacted] Alert(s)
Entity Type
IV - Interviewed
AKA(s)

Date Entered: 03/27/2013 08:38:29
Entered By: [redacted]
Date Verified: 04/25/2013 15:25:09
Verified By: [redacted]
Printed For: 0
Printed: June 7, 2013 - 13:32:51

Address	CSZ	County	Country
[redacted]	[redacted]	**Fresno**	**USA - United States of America**
Mailing Address	Mailing CSZ		

Employment Type	Occupation/Grade	Employer/School	
UN - Unemployed			
Resident of Jurisdiction	Employer/School Phone	Employer/School Address	CSZ
R - Resident			

DOB	Age	Race	Sex	Height	Weight	Ethnicity
[redacted]	**33**	**W - White**	**M - Male**			**N - Not of Hispanic Origin**

Hair Color	Hair Length	Hair Style	Facial Hair	Eye Color	Complexion	Build

Teeth	Clothing	POB	Primary Language

Scars/Marks/Tattoos

Location	Description	Photo

Gang Criteria

Gang Related

Criteria

Contact Information

Type	Phone/Email/Other
C - Cell Phone	[redacted]

Identification

Gang ID

MNI

Type	Number	Primary ID	State	Country	Class	Expiration	Notes

Relationships

To Whom	How
S1 - PENNINGTON, KYLE	**FR - Friend/Acquaintance**

Parole/Probation Contacts

Agency	Agent Name	Agent Phone

Narrative

CASE AGENT:

Det. [redacted]

ASSISTING DETECTIVES:

Sgt. [redacted]

SOURCE:

On 03-19-13, I was assigned to conduct an investigation into an alleged crime involving Officer Kyle Pennington (Clovis Police Department).

INVESTIGATION:

I was told that a female, later identified as Confidential Victim (CV1), had alleged Kyle had committed several crimes against her in the recent past. I was told that an internal affairs investigation was being conducted, but that I would need to investigate the criminal complaint.

I made contact with CV1 via telephone and set up a time that I could meet with her. On 03-20-13, I met with CV1 at the Clovis Police Department. I took her statement. The statement was recorded digitally (audio and visual) onto a DVD for evidence.

STATEMENT OF CONFIDENTIAL VICTIM:

CV1 said that she met Kyle while he was "on-duty". CV1 said that she was hanging out with a female friend when her friend received a call from Kyle. CV1 said that her friend's boyfriend was being investigated at the time for stealing tailgates. CV1 said that Kyle came and picked them up and took them home. CV1 said that this happened sometime in April of 2012.

CV1 said after that they started to "hang out" and started a relationship. CV1 said that she later found out that Kyle was married and had lied to her. Kyle told her that he was divorced.

CV1 said that she was able to find out through public records that Kyle was not divorced. Kyle told her that the paperwork had been filed. CV1 also said that Kyle had told her that he had cheated on his wife several times throughout their relationship and she was worried that Kyle might do the same to her. Because of this, CV1 said that she never trusted him and they were always arguing. The arguments slowly progressed from verbal to physical. CV1 said that at one point Kyle dragged her through the living room by her hair.

I asked CV1 to tell me about the first incident where the argument changed from verbal to physical. CV1 said it was sometime around July of 2012, on a Monday or Tuesday, at around 0900 hours to 1000 hours. CV1 said that she found out that Kyle had "cheated" on her with the same girl that he had cheated on his wife with. CV1 said that the girl had called his cell phone and she was in possession of it at the time. CV1 said that Kyle was "attacking" her trying to get the phone away from her. CV1 said that she held on to it and they somehow ended up in the kitchen. Kyle then grabbed her and threw her onto the floor. CV1 said she still had the phone and was holding it underneath her body. CV1 described that at this point she was lying on her stomach with the phone in her hands and underneath her chest area. Kyle was still trying to get the phone from CV1, but could not. CV1 said that Kyle started to "head butt" her on the back. CV1 said that it hurt so bad and "took her breath away", so she dropped the phone. CV1 said that Kyle "head butted" her two times. CV1 said that she also suffered an open wound on her right hand. CV1 said it was caused by the wrestling around on the carpet or rug. CV1 said she now has a scar on her hand from this.

CV1 said Kyle then picked up the phone and ran out with it. CV1 said that Kyle's 2 year old child was home at the time of this incident and witnessed it. She said that the child was screaming the whole time. CV1's child was not home at the time. CV1 said she left the house that day and either drove around or went to her father's house. She returned to the house sometime later that night.

CV1 said she broke up with Kyle at that point. The following day, Kyle came to the house while he was on-duty and begged her back. They ended up getting back together.

I asked CV1 if she called the Police at the time of this incident. CV1 said that she did, but she believes that the call did not connect. CV1 said that was another reason why Kyle was trying to get the phone away from her because started "bawling" and telling her that she was going to make him lose his job. CV1 said she thinks that she hung up the phone because of this.

CV1 said after that incident, every time they got into an argument she would try to leave before it escalated back to that point. The problem was that Kyle would not let her leave. I asked CV1 to clarify. CV1 said that she would try and run to the door to leave the house, but Kyle would run to the door first, push it closed, and then lock it so that she couldn't leave. CV1 said that it would scare her. CV1 estimated that this happened four different times. CV1 said that the first couple of times it happened she wasn't too concerned about it, but the last two times she was really afraid of what was going to happen.

I asked CV1 to tell me another time when something happened. CV1 said sometime around summer of 2012 at night, Kyle was "going crazy" in the house. CV1 said she didn't remember what the argument was about. Kyle was yelling and trying to keep CV1 in the house and prevent her from leaving again. Kyle then started pushing things off of the tops of dressers and flipping over the bed. CV1 said that while Kyle was doing that, she was able to run out of the house. Kyle ran after her and chased her half way down the street. CV1 said that Kyle then stopped. She believed it was because he realized that he was in public.

CV1 said she went and hid in the neighborhood. Kyle got in his truck and started to look for her. CV1 said that she ended up at a neighborhood park. CV1's friend, (IP) [redacted], lived across the street from this park and she could see that another of her f d's, (IP) [redacted], truck was also there. CV1 said she texted [redacted] and confirmed that he was there. [redacted] asked her where she was. CV1 told him that she was at the park across the street. [redacted] walked outside and met with her. He then invited her inside. CV1 said she told him everything about what was going on. (IP) [redacted] was also there at the time. They told CV1 not to go back home and that she should stay with them.

CV1 said they "hung out" for a while. CV1 said that she could see that Kyle was still driving around the neighborhood looking for her. CV1 said they then turned off the lights to the house so that Kyle would not think she was there. It didn't work because Kyle came to the front door and started "banging" on it. CV1 said that [redacted] father went to the door and started yelling at Kyle. Kyle then yelled back at [redacted]s father and told him that he knew that CV1 was in the house and that he better let her out or let him come in. CV1 said that Kyle threatened to have his "cop buddies" come over. [redacted] father told Kyle that CV1 was not there and told him that he needed to leave. Kyle finally left.

CV1 said that Kyle was "blowing up" her cell phone. Kyle was calling and texting CV1. CV1 said Kyle eventually came back to the residence again. [redacted] father answered the door again. CV1 said at this point she agreed to go back with him home because he would just not leave. CV1 told Kyle that she didn't want to argue with him anymore or fight, but when they got home it started all over again. CV1 said that she ended up sleeping in her car that night.

I asked CV1 if Kyle put his hands on her at all during this incident. CV1 said that he did not. CV1 said that Kyle would not let her leave though. I asked her what she meant. CV1 said that she would try to go to the door to leave and Kyle would sort of push her away from it.

I asked CV1 if she called the Police at any time during this incident. CV1 said they had discussed it, but said that it would just be one of his friends that showed up and it would be pointless. So they decided against it.

I asked how this incident was resolved. CV1 said that through talking, she went back voluntarily.

I ask CV1 about any other events. CV1 said it was a couple of days prior to New Year's Eve. CV1 said she had always had a feeli nat Kyle had gone down to San Diego with another girl during the time when they first started dating. Kyle finally admitted to her that he did go there with other people and not for military purposes. CV1 said that they argued over this. CV1 said that she doesn't remember exactly what happened, but she ended up getting huge bruises from Kyle grabbing her arms. CV1 said she would try to leave again, but Kyle would pick her up and throw her down onto the bed or the ground. CV1 guessed that this

happened approximately three times. CV1 was trying to fight him off each time. CV1 said that Kyle was throwing her around like a "rag doll". At one point, they were wrestling on the ground while she was trying to get away from him. CV1 stood up and Kyle kicked her on her right thigh area. CV1 said the kick was so hard that she thought her leg was broken and took her breath away. CV1 said she was bawling hysterically.

CV1 said she took pictures of the bruises with her phone, emailed them to herself, and then erased them off of the phone. CV1 said that for some reason the pictures did not come across in her email though. CV1 said that she had specifically tried to hide the photos and may have apparently hid them too well because she could not find them now. I asked CV1 why she was trying to hide the photos. CV1 said it was because if Kyle saw that she had taken photos of the bruises, he would be mad. Kyle would routinely go through her cell phone and would have seen the photos.

CV1 said that the only photos that she could find were from a "job" that they did on New Year's Eve, but she had put makeup all over her arms so that people would not be able to see the bruises. CV1 said that she does think that there are some close up photos in which you still can see the bruises. CV1 said that everyone at her work saw the bruises and asked her about them.

I asked CV1 if she had any of the photos with her. CV1 said she did not. She said that she would try and get someone from her work to send her more of those pictures, which in turn she would send them to me. I asked CV1 if she had taken those original photos with her current cell phone. CV1 told me that she had taken them with a different cell phone, but that she had already turned in the cell phone to the Clovis Police Department. (I later found out that it was turned in related to the internal affairs investigation.)

I asked how that incident ended. CV1 said that she really didn't remember. CV1 thought that maybe Kyle left that night. She said the next day was the day that they had to do the "New Year's Eve job". They didn't talk much all day. CV1 said that they "went through the motions" and did the job. CV1 said she thought at that time that their relationship was coming to an end, but she later said that it seemed like they were going to make up again.

I asked CV1 if she ever called the Police during that incident. CV1 said she did not. I asked CV1 why she didn't. CV1 said she didn't because of his "job". I asked what she meant by that. CV1 said that Kyle would always tell her that she shouldn't call the Police because he would lose his job over it.

I asked CV1 if there were any more incidents to report. CV1 said there was another time where she had actually moved out of the residence around the end of January of 2013. CV1 said that she moved out and they had broken off their relationship. Kyle kept calling her and "harassing" her trying to get back together with her. Kyle would show up to her work and school unannounced. Kyle also left notes on her car. CV1 said that the notes were not threatening, just "bugging" about getting back together.

Kyle asked her for her current address during a phone conversation under the guise that he was going to help her move some furniture. CV1 said this was around 0200 hours. She sent him the address. Kyle then told her that he was coming over now. CV1 told Kyle that she didn't want him coming over if it was just going to lead into another argument. Kyle showed up a little while later.

CV1 said that Kyle was trying to "sweet talk her" and tried to get back together with her. Kyle then took her phone and laptop computer and started to look through them. CV1 said that Kyle was trying to see if she had been talking to anyone new. CV1 was tried to get the computer back from Kyle and was able to shortly after. CV1 ran into her bedroom with the computer and tried to lock her bedroom door. CV1 told Kyle that he needed to leave. Kyle was able to get to her and started grabbing her. CV1 said they then wrestled around as she was trying to get away from him. Kyle then grabbed her by the hair and almost pushed her down the stairs. CV1 said she was able to make it downstairs, but Kyle then pushed her up against the wall and grabbed her by the face. Kyle screamed at her, telling her that it was her fault that the relationship ended.

CV1 said then somehow they got back upstairs together and Kyle started to get really "weird" with her. CV1 said that Kyle started to try and have sex with her. CV1 said that Kyle was acting like nothing ever happened and started to "force" her clothes off. CV1 said that she was in her pajamas. Kyle ripped her pajama bottoms trying to take her clothes off of her. The rip was on the inseam area. CV1 said that if it had continued, it would have been considered rape. CV 1 said that Kyle got her pants off to her knees. She was able to kick him off and kept telling him to stop. CV1 said that she could tell that Kyle had an erection and unbuttoned

his pants a little. Kyle then stopped. I asked CV1 why Kyle stopped. CV1 said that she thinks that Kyle finally understood at that point that they were not going to get back together.

I asked CV1 if there was any alcohol involved that night. CV1 initially said no, but then said that Kyle did smell like he had been drinking. I asked CV1 if she called the Police at that time. She said she did not. She said it did cross her mind because they were out in the "middle of no where" and she was alone with him. CV1 said she was scared. CV1 said that there was also no cell service at that location.

Sgt. [redacted] asked about the ripped pajama bottoms. CV1 said she still had them at her house.

I asked if there were any more incidents after that. CV1 spoke about another incident that occurred on 02-04-13 at approximately 1300 hours. Kyle invited her over to talk and "hang out". CV1 said that this was approximately one week after the last incident.

CV1 said she noticed that the bedroom that their children used to share had the door shut. CV1 said she knew that one of Kyle's friends was staying there with him. CV1 asked Kyle if his friend was now living with him. Kyle told her that he only stayed there from time to time. CV1 then opened the door to the bedroom and saw that all of the friend's stuff was no inside. CV1 said that she and Kyle got into an argument over the fact that he was still lying to her. CV1 said she got mad and left the house.

CV1 said that Kyle texted her several times and she eventually came back to the house. CV1 said that she had decided that she needed to get all of her things and get out of that house. CV1 said it was around 1400 hours when she went back. CV1 said she started to take some of her things when Kyle got really mad. They argued over who the property belonged to. Kyle then "lost it". Kyle picked her up and threw her onto the hardwood floor. CV1 said that she landed on her elbow. She said she landed so hard that (thought that she broke it. Kyle then grabbed CV1 by the hair and dragged her across the entire width of the room. CV1 said she took out her phone and tried to call 911. CV1 said that she at least wanted someone to at least hear what was going on so that someone would believe her. Kyle grabbed the phone out of her hand and hung it up. Kyle then started screaming at her telling her that she was going to make his lose his job. CV1 said the wrestling was still going on and she tried to call 911 again. Kyle again took the phone out of her hand and hung it up. CV1 said that the phone never connected to 911.

CV1 pulled out her cell phone and told me that she still have a record of this. She looked it up and showed me. I saw that there were two calls made to 911 on 02-04-13 at 1450 hours and 1458 hours.

CV1 said that prior to this happening, she had fallen while riding her dirt bike and her right side was already injured. Kyle told her while she was trying to call the Police that he was going to tell them that the injuries were from that and not from him. Kyle told her that the Police would not believe her.

CV1 said it ended when she was crying and Kyle picked her up and sat her on the couch and tried to talk to her. CV1's friend then came home and the whole thing deescalated. CV1 said that once the friend got there, Kyle's whole demeanor changed to more like "I will help you get your things so you can leave" instead of trying to get back together with her. CV1 said that upset her because she believed that Kyle didn't want his friend to know that he was trying to get back together with her. CV1 walked to the bedroom and locked the door behind her. Kyle then came and completely broke the door down. CV1 said the door snapped into pieces because he just ran right through it.

I asked what Kyle's friend was doing at this point. CV1 said that he really didn't say or do much. He went to his room and shut the door.

Kyle then told CV1 told leave and get out of the house. CV1 said that Kyle was trying to make her look like the crazy person in front of his friend. CV1 said she went outside and waited in her car for her father to show up. CV1 had already called her father to meet her there so that he could help her move some of the big items. Once her father arrived, she moved some things into his truck d then they left. CV1 said that she did not tell her father about what had happened.

I asked CV1 if there were anymore incidents. CV1 said that later that same night, they talked again trying to work things out. The next day, CV1 said that she came to town to go to school and happened to see Kyle with another girl at a restaurant. That was the last time she really talked to Kyle.

I asked CV1 why she kept going back to Kyle if these things were happening. CV1 said she had no idea. She said she loved him.

I asked CV1 if she had been involved in any prior relationships that were "physical". CV1 said that she had. CV1 said that her son's father, (IP) [redacted] was like that too. I asked how their relationship was now. CV1 said that it was "hit and miss". CV1 explained that she was in the middle of a custody battle with him.

I asked CV1 when she reported this to the Clovis Police Department. She said it was around 02-18-13, or somewhere close to there. I asked CV1 what made her wait so long to finally report this. CV1 said she wasn't really looking to pursue criminal charges. She reported it more so because of the fact that Kyle was such a dishonest person. CV1 said that because if Kyle was this dishonest in his personal life, what must he be lying about in his professional life?

I asked CV1 if she wanted to pursue charges now. CV1 said she was involved in something like this with [redacted] and nothing ever happened. The case was dropped because it was all "he said, she said". CV1 seemed discouraged because of this. I again asked her if she wanted to pursue charges now. CV1 answered, "If I can, yeah."

I left the room CV1 was in for several minutes. When I returned, CV1 said that she was thinking about what I had asked her. Why did she keep going back? CV1 said she thinks it was because of her mother moved to Oregon and it was she wasn't able to afford a large enough place for her and her son at the time.

I asked CV1 if I could also examine the phone that she had given to the internal affair investigators for the possible photos that she took. CV1 said that I could.

I asked CV1 what she though Kyle was going to tell me when I spoke with him. CV1 said that if Kyle denies it, he will say that she is making this up or make it seem like she was the one attacking him.

I asked CV1 if there was ever a point or event in which she was the aggressor. CV1 said that during their last argument she felt like she was the aggressor; not physically but more as the one who provoked the argument in the first place. I asked CV1 about being the physical aggressor. CV1 said that she may have pushed Kyle away or tried to get him out of the way while going to the door, but that was about it.

CV1 then told me that there was one more issue that she had not mentioned. CV1 explained that during their relationship, whenever they "fought" they usually made up and had sex afterwards. CV1 said that toward the end of the relationship, Kyle was starting to become extremely forceful. CV1 explained the Kyle wouldn't want to have sex the "normal way", but instead wanted to do it anally. CV1 went on to tell me that there was one time when they were arguing and after they made up, Kyle went on to do the same thing. CV1 said it was sometime late in December and during the night. CV1 explained that she felt like he was punishing her for the argument and she had to pay by sex. I asked more clarifying questions. CV1 said that during consensual sex, Kyle turned her over and tried to put his penis in her anus. CV1 said that she told him no. Kyle then told her something along the lines of "she was going to pay for something that she had done". Kyle then forced his penis into her anus. CV1 said she started crying hysterically because she did not want that. CV1 said she again told Kyle to stop, but he just kept going. I asked how long this lasted. CV1 guessed that it went on for about a minute. CV1 said she was trying to crawl away from him, but Kyle would hold on to her. I asked what happened when it was over. CV1 said that she was crying and told him that it hurt. Kyle really didn't say anything, but then said, "Okay, well then get back over here and we'll do it normal." CV1 said she then stopped crying after a bit and just laid down with him in their bed.

I asked CV1 if she felt this was done against her will. I asked CV1 to think back at that time and asked if she thought in her mind that this was more of a rape situation or a situation where it went a little too far. CV1 said it was a little bit of both.

I asked CV1 if I could follow her home to retrieve the torn pajama bottoms as evidence. CV1 agreed.

INVESTIGATION CONTINUED:

I explained confidentiality to CV1 and the fact that she qualified. CV1 stated she understood and wanted to remain confidential. I explained to CV1 that she was not eligible for an Emergency Protective Order, because there was no "emergency" at this time. I did explain how to obtain a restraining order and where to go. I gave CV1 paperwork with a list of agencies that she was able to use as a resource.

I had CV1 sign a Permission to Search form so that I could look at her phone information. CV1 signed it willingly.

CSO [redacted] took photos of the scar on CV1's right hand for evidence.

I left the room and internal affairs investigators met with CV1. Once they were finished, I followed CV1 to her residence. When we arrived, CV1 pointed out that the door handle to her vehicle was broken and told me that Kyle was the one who broke it. CV1 explained that during one of their arguments, CV1 was leaving with her child when Kyle came outside upset. CV1 locked the doors so that Kyle would not be able to get in. Kyle then pulled on the door handle and it broke off. Kyle then left the area walking down the street with his son. CV1 said that Kyle's mother ended up picking him up.

I took photos of the broken door handle for evidence. I also retrieved the torn pajama bottoms and took them for evidence.

On 03-27-13, I made contact with [redacted] via telephone. We agreed to meet at his residence on 03-28-13. [redacted] told me that he would contact [redacted] and [redacted] and have them there as well. [redacted] said that his father was currently out of town and was unavailable.

On 03-28-13, Sgt. [redacted] and I met with [redacted], [redacted] and [redacted] at [redacted]s residence. I took their statements individually. Their statements were recorded digitally (audio only) for evidence.

STATEMENT OF INVOLVED PARTY [redacted]:

I asked [redacted] how he knew CV1. [redacted] said he knew her through [redacted]. [redacted] said that CV1 used to come into his work all of the time (gas station). [redacted] said that he knew CV1 for about a year.

I asked [redacted] if he knew Kyle. [redacted] said that CV1 and Kyle used to come into his work together. After a while, he no longer saw them. [redacted] said he found out it was because Kyle didn't want CV1 coming in there anymore because he thought she was going in there to specifically see him and [redacted]. CV1 told [redacted] this.

I asked [redacted] about the incident that happened at his house. [redacted] said that he, [redacted], and [redacted] were at his house playing video games. [redacted] said he went to bed around midnight or 0100 hours. After he fell asleep, he was wakened by [redacted]. [redacted] first told him that CV1 needed to borrow a phone charger. [redacted] was surprised the CV1 was there. [redacted] told him the CV1 wanted to get away from her boyfriend's house. [redacted] went back to sleep, but was wakened again by [redacted] this time. [redacted] told [redacted] that CV1's boyfriend was at the door. [redacted] told [redacted] to go and get his father. [redacted] came back later and told [redacted] that the boyfriend was still there and [redacted] father was talking to him still. [redacted] told [redacted] that his father would deal with it and went back to sleep.

[redacted] said the next morning was when he heard what had happened. [redacted] said he heard that CV1 and her boyfriend had gotten into an argument at their house. CV1 then ran over to the park and saw [redacted]s truck at his house. CV1 called [redacted] and then came into his house and told them what had happened. Kyle was then driving around the neighborhood looking for her because he had GPS on her phone. [redacted] said he heard that Kyle was later pacing in front of his house, staring at the window and inside the window. His friends had CV1 hide in the hallway; that was when his friends went and told him what had happened. [redacted] then told them to go and get his dad.

[redacted] said he had heard from CV1 that Kyle did not want her coming to his work or to his house. CV1 told [redacted] that Kyle was controlling and jealous. Kyle thought that [redacted] house was a "frat" house.

STATEMENT OF INVOLVED PARTY [redacted]:

I asked [redacted] how he knew CV1. [redacted] said he has known CV1 for approximately 2 years now. He said he met her though one of his buddies.

[redacted] said he had met Kyle while working at the Shell. [redacted] explained that he first met Kyle once when he was there with CV1. After that, [redacted] said that Kyle would often come in while he was working to get refreshments.

I asked [redacted] if he had heard of any problems between CV1 and Kyle prior to this night. [redacted] said that he had read some things on Facebook about arguments. [redacted] said it seemed like they were in an "on and off" relationship.

I asked [redacted] about that night. [redacted] thought it happened sometime around the end of last year, or early this year. [redacted] said he, [redacted], and [redacted] were at the house playing video games. [redacted] had to go to sleep early because he had to work an early shift the next morning. [redacted] said he received a text message from CV1 sometime between midnight and 0100 hours asking him if he was at [redacted] house. [redacted] told her that he was. CV1 then asked him to come outside to his truck. [redacted] and [redacted] walked outside and were standing near his truck, but didn't see her. [redacted] said he then heard a voice calling him. [redacted] looked over to the playground equipment in the park that was next to his truck and saw CV1 near the rock climbing wall. [redacted] walked over to her. CV1 told him that she and Kyle had gotten into an argument. CV1 told [redacted] that Kyle was yelling at her and then flipped over her bed. CV1 told [redacted] that she just left. CV1 told [redacted] that Kyle has been driving around looking for her and Kyle was intoxicated. As they were talking, [redacted] said they had to hide behind the equipment because Kyle did drive down the road. They then went inside the house.

[redacted] said they were relaxing inside the house when they noticed that Kyle was still driving around looking for CV1. [redacted] said they would look through the blinds to see what he was doing. [redacted] said that Kyle would turn on his high beams when he was driving by to try and see inside their house. [redacted] said Kyle stopped for approximately 30 minutes or an hour. [redacted] said during this time, Kyle kept texting CV1 asking her where she was and telling her that he knew she was at that house. CV1 would not respond to the texts. [redacted] said that Kyle then started walking around the neighborhood. [redacted] said he could tell that Kyle was "pissed off". Kyle then threatened via text to CV1 that he was going to come and knock on the door. Kyle then came to the door and "pounded" on it. [redacted] described it like "when the Police come to break up a house party knocking". [redacted] said they didn't know what to do. They didn't want Kyle to come inside because he was drunk and angry.

[redacted] said they woke up [redacted] father. [redacted] father was dazed and confused because he was sleeping. [redacted] told [redacted] father what was going on. [redacted] father ended up answering the door. Kyle told the father that his girlfriend was inside. The father denied it. Kyle told the father that he had a tracking device on her phone and knew that she was there. Kyle started questioning "in a Police manner". Kyle asked whose vehicles were parked outside. Kyle finally left.

[redacted] father stayed up for a while after that, but later went to sleep approximately 45 minutes later. Kyle then returned to the house banging on the door again. No one answered, and then he left.

CV1 kept telling [redacted] that Kyle was acting crazy and that he should leave.

CV1 finally started to answer Kyle's texts, telling him to leave her alone. CV1 then said that Kyle was threatening to throw her stuff out on the lawn. CV1 then decided to go home at around 0500 hours. [redacted] told CV1 to call if she needed to come back over or needed any help.

[redacted] said that he didn't hear anything after that. The last time he saw CV1 was at the store where she works. [redacted] asked if they were still together. CV1 said they were not.

I asked [redacted] if CV1 ever mentioned that Kyle did anything physical to her. [redacted] said she did not. I asked [redacted] if he noticed any marks or signs of physical trauma on CV1 that night. [redacted] said he did not.

STATEMENT OF INVOLVED PARTY [redacted]

I asked [redacted] how he knew CV1. [redacted] said that he met CV1 the night this incident happened. He did not know her prior to this.

[redacted] said he went to [redacted] house that day at approximately 1700 hours. He was planning on staying there that night.

Later that night, [redacted] got a text message from CV1. CV1 asked [redacted] if she could come over. [redacted] said he and [redacted] went outside to look for CV1. They went outside and saw CV1 walking down the street carrying some of her things (makeup bag). CV1 told them that she and her boyfriend had just got into an argument.

[redacted] said they went inside. CV1 started to explain that Kyle was "flipping the bed over" and was yelling at her telling her that she couldn't leave. CV1 also said that Kyle took her keys from her. CV1 told them that the only things she was able to get were her makeup bag and her purse.

[redacted] said they continued to play their video games while CV1 asked him questions trying to get to know him. A short time later, [redacted] said they heard his truck go by. They looked out the window and saw Kyle's truck driving by. Kyle drove around the neighborhood for a while.

A while later, they looked out the window and saw Kyle standing across the street. Kyle then walked over and knocked on the door. [redacted] said they decided that they needed to wake up [redacted] father. [redacted] father went to the door and spoke with Kyle. [redacted] said Kyle started asking the father a bunch of questions, "basically being a cop". Kyle started to ask about the cars in front and who lived there. Kyle then asked for CV1. The father asked Kyle how he knew CV1 was there. Kyle told the father that he had GPS showing that she was there. CV1 could hear this and wanted to go out to him so that he would leave. [redacted] said they convinced her not to because she said that Kyle was "plastered drunk" and they were worried about her. [redacted] father convinced Kyle to leave. [redacted] father then went back to sleep.

Approximately 20 minutes later, Kyle returned to the house and started pounding on the door again. Kyle was yelling that he could hear CV1's phone inside the house. [redacted] said that CV1's phone was off.

CV1 turned her phone and saw all the messages from Kyle. CV1 told them that she was going to leave and go back home. [redacted] said that it was now approximately 0430 hours. Kyle returned to the house and [redacted] father had to talk to him again. [redacted] father again told Kyle that CV1 wasn't there. [redacted] said that Kyle was really "aggressive" in the way he was talking to [redacted]'s father. [redacted] father was able to get Kyle to leave again.

Approximately 30 minutes later, CV1 said she was reading texts from Kyle stating that he was talking about deploying with the Army again. CV1 then ended up walking home.

[redacted] said he learned that a couple of weeks later they broke up.

I asked [redacted] if CV1 had any visible injuries on her. [redacted] said if there was, she probably covered them up. I asked if CV1 mentioned anything like that to him. [redacted] said she did not.

INVESTIGATION CONTINUED:

I left my business card with [redacted] with instructions to have his father contact me. I later returned to the house and attempted to contact [redacted] several times in an attempt to contact [redacted]'s father with negative results.

On 04-03-13, Kyle and his Attorney came to the Clovis Police Department to be interviewed. The interview was recorded digitally (audio and video) for evidence.

Because of the criminal allegations, I read Kyle his Miranda Rights using my Department issued Miranda card. Kyle stated he understood his rights and wanted to speak with me. I took his statement.

STATEMENT OF SUSPECT KYLE PENNINGTON:

I asked Kyle to tell me about his relationship with CV1. Kyle said his marriage had gone to "shit". He and his wife had separated. Kyle met CV1 in May of 2012. Kyle said he was living "couch to couch" at that time. Kyle said that their relationship progressed to the point where he stayed at CV1's mother's house.

Kyle said their relationship continued to progress the next two to three months. Kyle said everything was good. CV1's mother decided to move to Oregon. Kyle then asked CV1 if she wanted to move in with him. Kyle was looking into renting a place and asked if CV1 was willing to have her name on the lease as well. Kyle said they ended up moving into the current residence in July or August of 2012.

Kyle said everything was good for a while. Kyle explained that CV1 is young and naive. Kyle said that CV1 had a lot of "trust issues" that stemmed from previous relationships that she had. CV1 would question things that he was doing at work from time to time. Kyle said this progressed worse and worse. As a result of this, there were several arguments stemming from this issue. Kyle said it got to the point to where the relationship was becoming like his marriage was prior to its dissolving.

Kyle said in January of this year, CV1 took off to San Diego to visit her sister for a while. CV1 wasn't answering his phone calls or his text messages. When CV1 came back, she moved in with her father. Kyle said at that point he was still trying to make this relationship work. Kyle continued for approximately two weeks or so, but finally decided that he wasn't going to chase her around anymore (figuratively speaking) and moved on with his life.

Kyle said he started dating a different girl a few weeks after that in February. Kyle said that CV1 would still contact him from time to time. Kyle said he had to tell CV1 that he didn't want anything to do with her and that their relationship was putting him in a bad situation. Kyle said that he offered to help her move the rest of her things out of the house. CV1 said she understood.

Two days later, Kyle said he and his current girlfriend happened to run into CV1 at a local convenience store. CV1 started "flipping out". Kyle said that CV1 was yelling and screaming. Kyle said he took CV1 outside and asked her to "leave it alone". Kyle then left back to his house with his girlfriend.

CV1 ended up following them back and parking in the driveway of his house for several hours, crying hysterically. CV1 said she wanted to pick up some stuff. Kyle said he tried to find out what exactly she wanted to get. CV1 started "making a spectacle of herself". Kyle said he had neighbors that witnessed this. Kyle said he told CV1 that he was going to close the garage door and told her that she could wait in her car. Kyle then called CV1's father and told him that he needed to come and get her. Kyle then left for approximately 3 or 4 hours. When he returned, CV1 was gone. Kyle said he spoke with his neighbors who told him that CV1 had sat in her car for some time. Kyle said that he has an extension cord that runs underneath his garage door that it used to plug in his patrol car at night. Per the neighbors, CV1 used that extension cord to plug in her computer and was doing stuff on her computer while she sat there. The neighbor also told Kyle that CV1 left her car on the entire time and the battery died. CV1's father showed up and then she left.

Kyle said a week before this happened, CV1 came to the house while he was not there. Kyle said CV1 had keys to the house. CV1 destroyed a bunch of property that belonged to him. I asked what kind of property. Kyle said it was toiletries and cologne that was in the bathroom.

Kyle said that same day, CV1 texted him saying that she wanted him to look after he son after she was gone. Kyle said he was confused and tried to text and call her back, but was unable to get a hold of her. All day passed without contact. Kyle said that night CV1 showed up to his house and she was "crazy". Kyle said she was "flailing around" all over the place and arguing with him. CV1 told Kyle that she had taken 10 to 12 xanax pills that she had gotten from her mother. CV1 said that she passed out all day and had just woken up. Kyle told CV 1 that he didn't want to deal with her in this state. Kyle told CV1 that she shouldn't drive anywhere, but did not want her there at the house. CV1 got into her vehicle and left. Kyle said that he spoke with CV1 on the phone several times while she was driving back home. A couple of times, CV1 had to pull over because of the fact that she was "hys' cal".

Kyle said that prior to this, he had found CV1 with pills from her mother. Kyle said he told CV1 that he did not want that kind of stuff in his house. Kyle said the pills went away after that.

I asked Kyle about the incident where CV1 said that they wrestled over the cell phone. Kyle said that CV1 took his cell phone and keys from him on several occasions. Kyle said that his son was there when this happened. CV1 thought Kyle was having an inappropriate conversation with a female from his past. CV1 was yelling and screaming. Kyle told her that he wasn't going to put up with it. Kyle said he searched the house for his phone and keys. CV1 was getting in his way. Kyle said he then picked up his son and left the house walking. Kyle walked to the Vons store that is nearby and called his mother from a payphone. Kyle's mother came out and picked them up. They then went to Sanger.

I told Kyle that CV1 said that they wrestled in the kitchen over the phone. Kyle said he did not remember that. I also told Kyle that CV1 alleged that Kyle was grabbing at her hands trying to get the phone. Because of this, and the carpet rubbing against it, CV1 had a small scar on her right hand. Kyle said that he did not remember that.

Kyle said there were several times where CV1 would grab his keys and phone and wasn't exactly sure that we were talking about the same instance. Kyle said during those times, he would try to get the items back from her and there would be "tussling" involved. Kyle said it never ended up with him being on top of her or anything like that.

I told Kyle that CV1 alleged that he head butted her and kicked her on a different occasion. Kyle said before it would come to that, he would just leave. Kyle said if he wasn't able to get his phone back after trying once or twice, he would just leave to avoid any sort of physical fight.

I asked Kyle if he ever head butted CV1 in the back. Kyle said he did not.

I told Kyle that CV1 alleged that during several arguments he would not let her leave the house or the room. I asked if that ever happened. Kyle said there was one occasion when CV1 was going to leave the house intoxicated and he did not let her leave because she was going to drive. Kyle said he stood in the hallway and told CV1 to think about things. Kyle told CV1 several reasons why she shouldn't drive off in that condition and asked her to call someone to come and get her or he would leave instead. Kyle said that CV1 was persistent on pushing him and trying to get around him. Kyle said that he did not want the fight to escalate so he let her go. Kyle said to the best of his knowledge, CV1 ended up sleeping in her car.

I told Kyle about the incident that CV1 alleged where he was flipping over the bed and throwing the bed outside into the garage. I told Kyle that CV1 said she was able to get out of the house and went to a friend's house nearby. I asked Kyle if he remembered this. Kyle said he did. Kyle said that CV1 was intoxicated that night. Kyle said he didn't remember what the argument was about, but said that it was "heated". CV1 wanted to leave and go to a guy friend's house. Kyle told CV1 if she left than this was it. CV1 left. Kyle said at that point they both had an "app" on their phones that allowed them to see where each other was. Kyle said he used the app to see that CV1 was at that house and told himself that he wasn't going to deal with it anymore. Kyle said he took the bed apart and put it in the garage. Kyle said he also moved her property into the garage. Kyle said he took a picture of it and sent it to her.

Kyle said he wasn't comfortable with CV1 being at that house. Kyle said he went over there around 0030 hours or 0100 hours and noticed the television and some lights were on. Kyle said he knocked on the door and a gentleman answered. Kyle said he told the man very calmly that he was trying to find out if his girlfriend was there because he was worried about her safety. Kyle said the man told him that he didn't live there, but Kyle knew that he was lying. Kyle said he told the man that if she was there, she was there. Kyle told him that he wasn't going to be "crazy" with him and just wanted to know because he was concerned for her safety. The man told Kyle that he would check. He left the door and came back a short time later and told Kyle that she wasn't there.

I asked Kyle if he went back a second time. Kyle said he went back to see if the lights had been turned off and they were. Kyle said he did not knock on the door a second time. Kyle said he returned home and he started to get text messages from CV1. Kyle asked her if she was inside the house he went to. CV1 told her that she was. Kyle said a "childish" argument ensued. Kyle said for whatever reason he wanted to prove or disprove that she was inside that residence, so he began walking back toward that house and found her walking from it.

I asked Kyle if anything "physical" happened that day. Kyle replied, "No."

I told Kyle that CV1 alleged that during consensual sex, he put his penis into her anus against her will. Kyle said that anytime he had any sort of sex with CV1 it was very consensual. Kyle said there was probably four or five occasions when they did have sex like that. Kyle said that the first time that it happened he asked CV1 if she wanted him to stop. CV1 told him to stop for a second; he did and did not pursue it any further that time. CV1 would talk about it all of the time and told him that it was something that she wanted to do with him. Kyle said they tried it again. During that time CV1 told him to stop because it hurt. Kyle said he then stopped. Kyle said anytime CV1 told him to stop, he would.

I told Kyle of the time CV1 alleged that he went to the current residence in the foothills, got into another argument, and ended up ripping her pajama bottoms. Kyle told me that he went up to the house to see her and possibly have sex with CV1. Kyle said he and CV1 had already spoken on the phone about him coming over and them having sex. Kyle said he got there and they had sex. Afterward, CV1 took his phone again. Kyle told CV1 that if she was going to look through his phone, he was going to look through her laptop computer. Kyle said it became a big deal because CV1 did not want him going through her laptop. Kyle said he pushed a button on the computer and a big picture of him came up on her desktop. Kyle said he didn't recall ever taking that picture and wanted to look into it further. Kyle said CV1 was trying to take the laptop from him; they kept pulling at it. Kyle said he took the laptop into the bathroom and looked at it. Kyle found a picture of him sleeping that CV1 had taken. Kyle then opened the door and gave CV1 back the laptop and told her that it was weird that she would be taking pictures of him like that. Kyle said he left and got into his truck. Kyle sat and thought for a second and decided that he didn't want to leave CV1 on a bad note. Kyle said he felt bad for just driving up, having sex with CV1, and then leaving. Kyle went back inside to apologize to her for that. Kyle said CV1 was "sympathetic" to that. CV1 apologized as well. Kyle told CV1 that their relationship meant a lot to him and that he hadn't really moved on. Kyle asked CV1 if she had; CV1 couldn't answer him. Kyle said he got upset and tried to leave again. CV1 tried to keep him there, but he was able to leave.

I asked Kyle about the ripped pajama bottom. Kyle said he didn't remember that happening during that incident, but does remember doing that on a different occasion. Kyle said that CV1 told him that was something that she liked ad it was done with consent. Kyle said he would rip either her pants or her underwear because that was what she wanted. Kyle said it happened on more than one occasion, but did not happen that night.

I asked Kyle about the alleged incident when he kicked her during an argument and left her several bruises. I told Kyle that CV1 alleged that she had to cover up these bruises because of the modeling job she had. Kyle said he remembered CV1 having several bruises during that time, but she got them from playing soccer. Kyle said he has never punched or kicked CV1. I asked Kyle if he knew of the pictures that CV1 had of these bruises. Kyle explained that CV1 plays soccer in several different leagues and was always "banged up" from doing that.

Kyle did say that when the relationship started to "go south", CV1 told Kyle that she was taking pictures of these bruises and was going to use them against him and "expose him". Kyle said CV1 said this during one of their last arguments. CV1 said that she was going to "ruin his life".

I confirmed that Kyle had mentioned that at least one neighbor witnessed the event that took place in his driveway with CV1. I asked Kyle for names of possible witnesses so that I could contact them. Kyle told me that the neighbor to the south of him was named "[redacted]". Kyle said the neighbor across the street may have also witnessed it, but Kyle did not know his name. Kyle said that the neighbor he was speaking of was "Asian".

I asked Kyle about the "roommate" who CV1 said was staying with him at one time. Kyle told me that he had a "buddy" from the Army stay with him at one time because he was "in between" places. I told Kyle about the incident CV1 told me about when he broke one of the doors. Kyle said he did break the door. Kyle said that prior to that happening, CV1 had gotten into his house and broken some of his things.

Kyle said that CV1 saw that the roommate was staying in the room that used to be used for their children. Once CV1 saw this, she took off running and went into one of the bedrooms and locked the door behind her. Kyle said he didn't want to deal with CV1 breaking more of his property. Kyle said he tried to open the door but found that it was locked. Kyle said he pushed the door hard enough to force open the door. Kyle told CV1 that he wanted her to leave and that was it. Kyle said he did not put hands on CV1 during that incident.

I also told Kyle that CV1 alleged that he pulled her by the hair. Kyle said he has never hit her, kicked her, or pulled her by the hair. Kyle said the only contact he would have had with CV1 was when he was trying to leave and he would try to move her out of his personal space. Kyle went on to say that some of the incidents that CV1 was alleging happened when he was on light duty for an injury and had "70 cc's of fluid in his knee". Kyle said he would not have been able to wrestle or head butt anyone in the condition he was in.

I asked Kyle about the broken door handle on CV1's car. Kyle said that happened during one of the incidents we spoke of when they were arguing. Kyle said he believed that CV1 was intoxicated, however she denied it. Kyle said CV1 loaded her son up to leave. Kyle said he didn't want her to go because of the "intoxicated" state that she was in. Kyle said CV1 was backing out of the driveway and he reached to grab the door handle because he wanted to talk to her and stop her from driving. Kyle said he was concerned for her and her son's safety. Kyle said CV1 continued backing up and the door handle broke. CV1 then left.

I later asked Kyle if he ever called the Police because of his fear for CV1's safety. Kyle said he thought about that several times, but decided not to do that because he didn't want it to turn into a "big deal" because of who he was. Kyle said during the incident we spoke of about when CV1 told him that she took the pills, he didn't call because he did not know where she was. Kyle said he wasn't "100%" convinced that was what was going on. He thought she might have been playing it up.

I told Kyle that CV1 alleged that he took the phone away from her while she was trying to call 911. Kyle said he never took the phone away from CV1 while she was trying to call 911. Kyle said there were a couple of instances when CV1 threatened that if Kyle were to leave that she was going to call 911. Kyle said at one point, she actually dialed it up. Kyle told CV1 to go ahead and call because he wanted to leave. I told Kyle that CV1 had actual call logs of where she called 911. Kyle said it was that same incident where he told her to call because he wanted to leave. CV1 threatened to show the Police the pictures of bruises. Kyle told (.o go ahead. CV1 would then get out of his way and let her leave.

I asked Kyle if he called anyone when CV1 left in the car and he broke the door handle. Kyle said he did not, but should have. Kyle said he didn't want to complicate things with the relationship because he still wanted to work things out with her.

I asked Kyle about the relationship between him and his ex-wife. Kyle said he was with her for 13 years and there was never anything physical between them. Kyle said in the 13 years they had only 1 "heated" argument.

I asked Kyle what he thought CV1's motive was behind making these allegations. Kyle said that she was upset that he did not want to be with her anymore. CV1 was upset about him being with this new girl. Kyle said that CV1 was very young and naive. Kyle said CV1 was very spiteful and was upset over how this relationship ended.

Kyle said he was aware that CV1 had prior domestic violence issues between her and her ex-husband. CV1 has told him several instances between the two of them. Kyle said that he has personally spoken with the ex-husband because he did not want to let CV1 take their child to Disneyland. Kyle said that he was able to tell that the ex-husband was a good person and that they had a lot of issues between them in the past.

Kyle was asked if he had any of the text messages between him and CV1. Kyle said he did not, but would work on trying to retrieve them.

INVESTIGATION CONTINUED:

I left Kyle and his Attorney in the interview room to be further interview by Internal Affairs Investigators.

Sgt. [redacted] and I went to Kyle's neighborhood in an attempt to locate the possible witnesses that Kyle spoke of. I knocked on the door where Kyle told me that "[redacted]" lived. There was no answer. I left my business card on the front door with instructions to call me.

We made contact at the "Asian" house across the street. A female answered the door and told me that her husband did not witness anything. She stated that she would rather not go and get him so that I could personally speak to him. I left my business card and asked her to give it to him. I never received a call from him.

Later in the afternoon, Sgt. [redacted] and I went to (IP) [redacted] residence to speak with him. I did not tell [redacted] why I was there; only that I was there to inquire about their prior relationship. I recorded his statement (audio only) digitally for evidence. I took [redacted] statement.

STATEMENT OF INVOLVED PARTY [redacted]:

[redacted] said CV1 was a really "cool" girl when he first met her. [redacted] went on to say that CV1 went through postpartum depression after their child was born and that was when CV1 went "wild" on him. [redacted] said CV1 would "party" all the time. CV1 would leave him with the baby and wouldn't come home until 0230 hours in the morning. CV1 would be drunk and then would breastfeed their child. [redacted] said it got to the point that CV1 and her sister would come home with different guys. [redacted] said CV1 ended up cheating on him with some other guy. [redacted] then filed for divorce in 2009.

[redacted] said during the last six months of their relationship, things escalated. [redacted] said it started out with him trying to leave and CV1 would "bear hug" him so he couldn't leave. It then escalated to where CV1 would push him. [redacted] said it then got to the point where CV1 was punching him in the face with closed fists.

[redacted] told me of a time where they were fighting over dog food. [redacted] said that CV1 did not want him using the dog food that she bought for her smaller dogs to feed his larger dog. [redacted] said he used the dog food anyway. While [redacted] was holding their child, CV1 came over and starting punching him in the back of his head. [redacted] said he didn't know what was going on at first. He turned around and CV1 started to punch around their child, still in his arms, and struck in him in the face. [redacted] said CV1 left bruises on his face. [redacted] said he went to look at his face. [redacted] saw there were marks left on his face by CV1, so he decided to call the Police. [redacted] said as he was on the phone with 911, CV1 came in with a broken hanger and told [redacted] that she was going to tell them that he broke the hanger over her arm.

[redacted] said that CV1 would put on a little "sad face" and the cops would believe everything she said. Because of this, [redacted] said he has a real bad taste for the Clovis Police Department.

On a different occasion, [redacted] said CV1 came over to his house three different times over a weekend and tried to "sleep" with him. When [redacted] told her that he wasn't going to, CV1 grabbed their child and tried to leave in a vehicle without a car seat. [redacted] said he sat on the hood of the car to prevent her from leaving. [redacted] called 911 again. [redacted] said the cops came out and he told them what was going on. [redacted] said the cops did not even talk to CV1 about it and just ended up arresting him.

[redacted] went on to tell me that CV1 was very violent. [redacted] said he was proud of the fact that he had never hit a woman. [redacted] said there was several times where he almost broke that rule with her because she punched hard. [redacted] said to this day (almost 4 years apart) he can't be alone with CV1 because he is afraid that she is going to say that he did something to her. [redacted] said he was that scared of her, and the fact that the cops believe her every time.

[redacted] said CV1 was the type of girl who would have her new boyfriend do something to her ex. [redacted] said all of CV1's boyfriends are cops. [redacted] explained that CV1 goes after cops and guys in the military. [redacted] also said CV1 was the type of girl who sleeps with other girls' boyfriends. That was why she has no girl friends.

[redacted] went so far to say that he could imagine CV1 killing one of her future husbands during a fight. This was because of the escalation of violence he witnessed with her. [redacted] said he walked into the bedroom once and CV1 was sitting there holding his gun and was very depressed. [redacted] said after that he had to go and get a small safe to keep his pistol in because he just didn't trust her.

[redacted] then stated that he could only imagine that we were there because CV1 and Kyle got into an altercation somewhere and that CV1 was trying to allege that he did something to her.

I asked [redacted] if he ever had a chance to speak with Kyle. [redacted] said he had never spoken to Kyle because he doesn't like to get into other people's business. [redacted] said he was kind of "rooting" for him because he was kind of hoping that Kyle would "take her off of his hands". [redacted] went on to say that Kyle seemed real "professional" with him every time that [redacted] dealt with

him. [redacted] said Kyle was the only one who ever respected him as the child's father. [redacted] told me of the time when Kyle spoke to him asking if they could take their son to Disneyland.

I asked [redacted] if I told him that I was there because I was investigating an allegation made by CV1, what his response would be to that. [redacted] said it wouldn't shock him at all. [redacted] said Kyle does not know CV1 (citing the fact that they had only been together for 6 to 8 months). [redacted] said Kyle was lucky that their relationship ended as soon as it did because his career would probably over and in jail after spending a couple of years with CV1.

[redacted] did say that he doesn't know Kyle and could not say whether or not he did anything or not. [redacted] said he could only speak on experiences that he had with CV1.

[redacted] then asked if I had read the Police reports taken between the two of them. I told [redacted] that I had read one. [redacted] then asked if I had read the report where CV1 was choking herself in the jail cell and was caught on camera. I told him that I did not.

[redacted] told me there were two other Police reports that I wasn't aware of. One of the reports involved a time when CV1 locked him out of the house because she was mad. After a while, [redacted] was able to get back in. When CV1 stepped out, he locked her out. CV1 called the Police and tried to make up lies to get him in trouble. The Officer was able to get CV1 to admit that she was lying.

The second incident had to do with CV1 showing up and trying to take their child without permission. CV1 snuck her way into the house and would not leave. The Officer investigated and told her to leave. CV1 refused and wanted [redacted] to be arrested for domestic violence. CV1 ended up being arrested for trespassing. While inside the jail, CV1 waited until no one was looking and start[redacted]o choke herself. However, what CV1 didn't know was that one of the Dispatchers was watching on the cameras. The Officers then put CV1 in a cell and she continued to do the same thing. The later released CV1 to her family. Once her family saw the marks, they had a fit and wanted [redacted] arrested for domestic violence. Officers took pictures of her injuries and it was all in the report.

[redacted] said that his son would "vent" to him. [redacted] said that his son would tell him that Kyle and CV1 would fight all of the time (arguing). The son told [redacted] that he saw CV1 push Kyle up against the wall and then Kyle walked off the other way. [redacted] went on to say that his son did not like Kyle that much because Kyle would tell him to do chores. [redacted] would ask his son who was meaner. His son would tell him that "mommy is more mean to Kyle".

I asked [redacted] if his son ever told him that Kyle did something to CV1. [redacted] said he had not.

I told [redacted] that I would really like to forensically interview his son. [redacted] said that he didn't want his son to go through anymore than he had to. I told [redacted] to think about it, but [redacted] immediately said that he would not allow it. I explained how the Family Healing Center worked, but [redacted] was still not going to allow it. [redacted] offered for us to show up at his house and interview his son while he ([redacted]) was there watching the whole thing. I explained to [redacted] that the interview would need to be without him ([redacted]) present. [redacted] said he would not allow it.

I told [redacted] to think about it and contact me if he changed his mind. [redacted] never called me back.

INVESTIGATION CONTINUED:

I returned to the Clovis Police Department and researched the Police reports [redacted] spoke of. I was able to locate the following cases that were related (all CPD): 08-6015, 09-4160, 09-9370, and 10-0824. I printed all of these cases out and attached them to this report.

I was later contacted by (W) [redacted] via telephone. I missed his phone call and he left a message to call him back.

On 04-04-13, I made contact with [redacted] via phone and took his statement. The statement was recorded (audio only) for evidence.

STATEMENT OF WITNESS [redacted]:

[redacted] said he didn't remember the exact date, somewhere around January of this year, but he went outside and saw CV1 pull up to Kyle's house. [redacted] said the two of them were talking for a while. [redacted] said that Kyle was talking, but CV1 was crying and making a scene. I asked what [redacted] meant by that. [redacted] said that CV1 was over dramatizing. He said CV1 was saying things like, "I love you!" and "Don't do this!" [redacted] said that he believed that once CV1 realized that he ([redacted]) was in his garage and witnessing this, she got louder. [redacted] said that Kyle did not lose his composure once. Kyle told CV1 to go home.

[redacted] said after about 10 to 15 minutes of Kyle asking her to leave, [redacted] heard Kyle's truck start up. [redacted] said the crying stopped after that. [redacted] then noticed that CV1's car was still there. [redacted] said he initially thought that the two of them left. [redacted] then saw that CV1 was sitting inside of her car in the driveway. Later, [redacted] saw CV1 walk over and grab the extension cord that was coming out of the garage and plugged in her laptop.

After about an hour, CV1's father pulled up. [redacted] said that the father was arguing with CV1. [redacted] said he could not hear what it was about. The father then got into his truck, slammed the door, and left without her. Another half and hour goes by, the father returned. The father went up to CV1's car and told her that she needed to go home. After that, the father came over to [redacted] and asked if he could borrow some jumper cables. He used them to jump CV1's car and then returned them back to [redacted]. The father then told CV1, "Go, you need to leave!" CV1 finally left. The father left right after.

I asked [redacted] if at any point their argument got physical. [redacted] said it did not. [redacted] said that Kyle was very calm and just told CV1 that she needed to leave. [redacted] said that Kyle wasn't even shouting or yelling.

[redacted] said that some time after that happened, he went into the sporting goods store where CV1 works to fix one of his son's bows and [redacted]nto her. [redacted] said that CV1 had asked him if he had seen any "girls" over Kyle's house. [redacted] said that it was kind of awkward. He told CV1 that he really didn't pay attention to it.

[redacted] said he had one word that describes CV1, "stalker". [redacted] said he has noticed CV1 drive by on more than one occasion since then. [redacted] said he feels sorry for Kyle.

I asked [redacted] if he had spoken with Kyle recently prior to speaking with me. [redacted] said that he showed Kyle the business card that I left on his door. I asked [redacted] what they discussed. [redacted] said that Kyle told him that it was about the "thing" with CV1. I asked [redacted] if Kyle asked him to help him out or not to say anything specifically. [redacted] said that he did not.

[redacted] then remembered another incident when CV1 was moving out of the house. [redacted] said that CV1 was there with her father and another male that [redacted] had never seen before. [redacted] said that CV1 was causing a scene by cursing and making comments like, "This is my house; I shouldn't be the one to move out, he should!" [redacted] then heard CV1 say, "He's gonna pay!"

INVESTIGATION CONTINUED:

I attempted to contact Kyle's ex-wife, (IP) [redacted], several times. I was able to make contact with her on 04-09-13. I took her statement. The statement was recorded digitally (audio only) for evidence.

STATEMENT OF INVOLVED PARTY [redacted]:

I asked [redacted] if she had spoken with Kyle recently. [redacted] told me that she talks to Kyle everyday. [redacted] said that she was expecting a call from me.

I asked [redacted] what her and Kyle's relationship was like in the past. [redacted] explained that they had been together since age 21. [redacted] said they had been dating since 2000. They got married in 2010. Kyle got deployed to Iraq. [redacted] said she moved back to Clov[redacted]nd then eventually to Sanger. Kyle came home, but then went on another tour. Kyle returned home again. They are now[redacted]ng through a divorce.

I asked [redacted] if there were any incidents of domestic violence involved in their relationship. [redacted] said there was not. [redacted] said they argued, but nothing ever got physical. I asked [redacted] if something like that happened, would she be honest with me and tell me. [redacted] said she would.

I asked [redacted] if she ever witnessed Kyle "blow up" or doing anything crazy, out of the ordinary. [redacted] said she had not. [redacted] explained that when they argued, they yelled. Kyle would leave most of the time.

I asked [redacted] if she had been in contact with CV1. [redacted] said that CV1 contacted her on 02-08-13 on Facebook. [redacted] said it was very weird. The post said that CV1 and Kyle had broken up and that if [redacted] ever needed anything for child custody stuff that she would be able to help her because she had been through it before. [redacted] thanked CV1. They then had a back and forth conversation about what they both had been through. [redacted] explained that it was kind of a "woman to woman" frustration thing.

I asked if she and CV1 had ever talked about physical violence involving Kyle. [redacted] said that CV1 did ask her if Kyle was ever physically abusive to her. [redacted] told CV1 that he never was.

I asked [redacted] what her thoughts of CV1 were. [redacted] said that her first overall thought was that she didn't like CV1 because Kyle left her ([redacted]) for CV1. [redacted] said that CV1 did take care of her son while Kyle was working, so she has respect for her as a mother.

INVESTIGATION CONTINUED:

I booked the recordings into Evidence at the Clovis Police Department.

CONCLUSIONS:

On 03-20-13, CV1 made several allegations that (S) Kyle Pennington head butted her in the back, kicked her in the thigh, and pulled her by the hair during several different arguments. CV1 and Kyle were living together at the time in a dating relationship. CV1 described several visible traumatic injuries that she incurred as a result. This is in violation of PC 273.5(a).

CV1 also stated that during consensual sex, Kyle inserted his penis into her anus without her consent. CV1 told Kyle to stop, but Kyle did not. This is in violation of PC 286(c)(2).

DISPOSITION:

1. Evidence was booked at the Clovis Police Department.
2. Forward to the Fresno County District Attorney's Office for review.
3. Close Case- TOT DA for review.

EXHIBIT #1

Request for Authorization for Rescheduled Training (RST) Equivalent Training (ET), or Excuse from Regular Scheduled Unit Training

(AR 135-91 and AR 140-1)

PART I

To be completed by Applicant, print or type all entries

1. (Last, First, MI):			2. Section and Unit of Assignment	
PENNINGTON, KYLE W.			DELTA COMPANY, 416TH CA BN	
3. DMOS	4. RANK:	5. SSN:	6. Date of Absence	7. No. of Drills Missed:
38A	CPT	[redacted]	NONE: DRILL FOR POINTS	0

8.

a. _____ Rescheduled Training (RST) (Complete blocks 12 thru 20)
b. X Equivalent Training (ET) (Complete blocks 13 thru 20)
c. _____ Excused Absence (No Make-Up) (Complete blocks 19 thru 20)

9. Reason for Absence:
NO ABSENCE; DRILL FOR POINTS ONLY

10. Signature of Applicant: PENNINGTON, KYLE W, CPT, USAR — 11. Date: 23 JUNE 12

PART II

To be completed by Applicant's Supervisor

12. The RST Window for this month is:	13. Date of Makeup:
N/A	23, 24 JUNE 2012
14. Location of Training: CAMP PENDELTON, CA,	15. Training will be supervised by: [redacted], SFC, USAR
	16. Time of Training: 0800 HRS TO 1600

17. Duties to be performed:
RECON OF TRAINING AREAS AND TRAINING COORDINATION

18. Recommend:	19. Signature:	20. Date:
✓ Approval _____ Disapproval	[redacted]	24 June 2012

PART III

To be completed by the Commander

21. ✓ Approved (Soldier will perform duty as required and submit DA Form 1380 with a copy of this approval to the Orderly Room).
_____ Disapproved (Reasons will be listed on reverse of this form and form will be returned thru the section to the soldier listed in

22. Signature:	23. Date:
[redacted] for the commander	24 June 2012

EXHIBIT #2

Request for Authorization for Rescheduled Training (RST) Equivalent Training (ET), or Excuse from Regular Scheduled Unit Training

(AR 135-91 and AR 140-1)

PART I

To be completed by Applicant, print or type all entries

1. (Last, First, MI):	2. Section and Unit of Assignment
PENNINGTON, KYLE W.	DELTA COMPANY, 416TH CA BN

3. DMOS	4. RANK:	5. SSN:	6. Date of Absence	7. No. of Drills Missed:
38A	CPT	[redacted]	NONE; DRILL FOR POINTS	0

8.

a. _____ Rescheduled Training (RST) (Complete blocks 12 thru 20)
b. X Equivalent Training (ET) (Complete blocks 13 thru 20)
c. _____ Excused Absence (No Make-Up) (Complete blocks 19 thru 20)

9. Reason for Absence:
NO ABSENCE; DRILL FOR POINTS ONLY

10. Signature of Applicant:	11. Date:
PENNINGTON, KYLE W CPT, USAR	15 JULY 2012

PART II

To be completed by Applicant's Supervisor

12. The RST Window for this month is:	13. Date of Makeup:
N/A	14, 15 JULY 2012
14. Location of Training: 11620 Sorrento Valley Road San Diego, CA 92121	**15. Training will be supervised by:** [redacted] SFC, USAR
	16. Time of Training: FROM 0800 TO 1600

17. Duties to be performed:
MANDATORY ONLINE TRAINING

18. Recommend:	19. Signature:	20. Date:
✓ Approval _____ Disapproval	[redacted]	15 July 2012

PART III

To be completed by the Commander

21. ✓ Approved (Soldier will perform duty as required and submit DA Form 1380 with a copy of this approval to the Orderly Room).
_____ Disapproved (Reasons will be listed on reverse of this form and form will be returned thru the section to the soldier listed in

22. Signature:	23. Date:
[redacted] for the Commander	15 July 2012

EXHIBIT #3

Request for Authorization for Rescheduled Training (RST) Equivalent Training (ET), or Excuse from Regular Scheduled Unit Training

(AR 135-91 and AR 140-1)

PART I

To be completed by Applicant, print or type all entries

1. (Last, First, MI):	2. Section and Unit of Assignment
PENNINGTON, KYLE W.	DELTA COMPANY, 416TH CA BN

3. DMOS	4. RANK:	5. SSN:	6. Date of Absence	7. No. of Drills Missed:
38A	CPT	[redacted]	NONE; DRILL FOR POINTS	0

8.

a. ____ Rescheduled Training (RST) (Complete blocks 12 thru 20)
b. X Equivalent Training (ET) (Complete blocks 13 thru 20)
c. ____ Excused Absence (No Make-Up) (Complete blocks 19 thru 20)

9. Reason for Absence:
NO ABSENCE; DRILL FOR POINTS ONLY

10. Signature of Applicant:	11. Date:
Pennington Kyle CPT USAR	22 July 12

PART II

To be completed by Applicant's Supervisor

12. The RST Window for this month is:	13. Date of Makeup:
N/A	21, 22 JULY 2012

14. Location of Training:	15. Training will be supervised by:
11620 Sorrento Valley Road San Diego, CA 92121	[redacted] SFC, USAR

16. Time of Training: FROM 0800 TO 1600

17. Duties to be performed:
MANDATORY ONLINE TRAINING

18. Recommend:	19. Signature:	20. Date:
✓ Approval ____ Disapproval	[redacted]	22 July 2012

PART III

To be completed by the Commander

21. ✓ Approved (Soldier will perform duty as required and submit DA Form 1380 with a copy of this approval to the Orderly Room).
____ Disapproved (Reasons will be listed on reverse of this form and form will be returned thru the section to the soldier listed in

22. Signature:	23. Date:
[redacted] For the Commander	22 July 2012

EXHIBIT #4

Request for Authorization for Rescheduled Training (RST) Equivalent Training (ET), or Excuse from Regular Scheduled Unit Training

(AR 135-91 and AR 140-1)

PART I

To be completed by Applicant, print or type all entries

1. (Last, First, MI):	2. Section and Unit of Assignment			
PENNINGTON, KYLE W.	DELTA COMPANY, 416TH CA BN			
3. DMOS	4. RANK:	5. SSN:	6. Date of Absence	7. No. of Drills Missed:
38A	CPT	[redacted]	NONE; DRILL FOR POINTS	0

8.
- a. _____ Rescheduled Training (RST) (Complete blocks 12 thru 20)
- b. X Equivalent Training (ET) (Complete blocks 13 thru 20)
- c. _____ Excused Absence (No Make-Up) (Complete blocks 19 thru 20)

9. Reason for Absence:
NO ABSENCE; DRILL FOR POINTS ONLY

10. Signature of Applicant:	11. Date:
Pennington, Kyle W, CPT, USAR	29 July 2013

PART II

To be completed by Applicant's Supervisor

12. The RST Window for this month is:	13. Date of Makeup:
N/A	28, 29 JULY 2012
14. Location of Training: 11620 Sorrento Valley Road San Diego, CA 92121	15. Training will be supervised by: [redacted], SFC, USAR 16. Time of Training: 1600 HHMM TU 0800

17. Duties to be performed:
PT TEST, HEIGHT/ WEIGHT

18. Recommend:	19. Signature:	20. Date:
X Approval _____ Disapproval	[redacted]	29 July 2013

PART III

To be completed by the Commander

21. X Approved (Soldier will perform duty as required and submit DA Form 1380 with a copy of this approval to the Orderly Room).
____ Disapproved (Reasons will be listed on reverse of this form and form will be returned thru the section to the soldier listed in

22. Signature:	23. Date:
[redacted] for the Commander	29 July 2013

EXHIBIT #5

Request for Authorization for Rescheduled Training (RST) Equivalent Training (ET), or Excuse from Regular Scheduled Unit Training

(AR 135-91 and AR 140-1)

PART I

To be completed by Applicant, print or type all entries.

1. (Last, First, MI):			2. Section and Unit of Assignment	
PENNINGTON, KYLE W.			DELTA COMPANY, 416TH CA BN	
3. DMOS	4. RANK:	5. SSN:	6. Date of Absence	7. No. of Drills Missed:
38A	CPT	[redacted]	NONE; DRILL FOR POINTS	0

8.

a. _____ Rescheduled Training (RST) (Complete blocks 12 thru 20)
b. X Equivalent Training (ET) (Complete blocks 13 thru 20)
c. _____ Excused Absence (No Make-Up) (Complete blocks 19 thru 20)

9. Reason for Absence:
NO ABSENCE; DRILL FOR POINTS ONLY

10. Signature of Applicant:	11. Date:
Pennington, Kyle W., CPT, USA	16 SEPT 2012

PART II

To be completed by Applicant's Supervisor

12. The RST Window for this month is:	13. Date of Makeup:
N/A	15, 16 SEPTEMBER 2012
14. Location of Training: CAMP PENDELTON, CA,	15. Training will be supervised by: [redacted], SFC, USAR
	16. Time of Training: FROM 0800 TO 1600

17. Duties to be performed:
TRAINING COORDINATION; ENGAGEMENT SKILLS TRAINER, MOUNTED COMBAT PARTOL SIMULATOR, MRAP DRIVERS CERTIFICATION

18. Recommend:	19. Signature:	20. Date:
✓ Approval _____ Disapproval	[redacted]	16 Sept 2012

PART III

To be completed by the Commander

21. ✓ Approved (Soldier will perform duty as required and submit DA Form 1380 with a copy of this approval to the Orderly Room).
_____ Disapproved (Reasons will be listed on reverse of this form and form will be returned thru the section to the soldier listed in

22. Signature:	23. Date:
[redacted] For the Commander	16 Sept 2012

EXHIBIT #6

Request for Authorization for Rescheduled Training (RST) Equivalent Training (ET), or Excuse from Regular Scheduled Unit Training

(AR 135-91 and AR 140-1)

PART I

To be completed by Applicant, print or type all entries

1. (Last, First, MI):	2. Section and Unit of Assignment
PENNINGTON, KYLE W.	HHC, 152nd TIOG

3. DMOS	4. RANK	5. SSN:	6. Date of Absence	7. No. of Drills Missed:
38A	CPT	[redacted]	NONE; DRILL FOR POINTS	0

8.

a. _____ Rescheduled Training (RST) (Complete blocks 12 thru 20)
b. X Equivalent Training (ET) (Complete blocks 13 thru 20)
c. _____ Excused Absence (No Make-Up) (Complete blocks 13 thru 20)

9. Reason for Absence:
NO ABSENCE; DRILL FOR POINTS ONLY

10. Signature of Applicant: Pennington, Kyle W, CPT, USA — 11. Date: 14 OCT 2012

PART II

To be completed by Applicant's Supervisor

12. The RST Window for this month is:
N/A

13. Date of Makeup:
13, 14, OCTOBER 2012

14. Location of Training:
11620 Sorrento Valley Road
San Diego, CA 92121

15. Training will be supervised by: [redacted] SFC, USAR

16. Time of Training: FROM: 0800 TO: 1600

17. Duties to be performed:
PT TEST, HEIGHT/WEIGHT, CROSSFIT INSTRUCTION

18. Recommend:
✓ Approval
_____ Disapproval

19. Signature: [redacted]

20. Date: 14 OCT 2012

PART III

To be completed by the Commander

21. ✓ Approved (Soldier will perform duty as required and submit DA Form 1380 with a copy of this approval to the Orderly Room).
_____ Disapproved (Reasons will be listed on reverse of this form and form will be returned thru the section to the soldier listed in

22. Signature: [redacted] 03 CDR

23. Date: 14 OCT 2012

EXHIBIT #7

416th Civil Affairs Battalion (Airborne)
Authorization for an Excused Absence or to Perform Rescheduled Training (RST)

SECTION I
(Soldier Request)

Soldier's Name and SSN:	Rank:	Section/Directorate:
PENNINGTON, KYLE	CPT	416th Civil Affairs Battalion (Airborne)

Original Battle Assembly dates to be missed and Rescheduled or Excused.	Time Period to be rescheduled (circle those that apply)			
10-15-2011	Day 1 AM 0800		Day 2 AM 0800	
Dates of the RST/ET in lieu of the above dates: 10-17-2011	Day 1 PM 1700		Day 2 PM 1700	

Type of Request (circle one): (RST) Excused Absence (No Make-up date)

Reason for Request: CPT Pennington is attending a law enforcement class on SATURDAY.

Supervisor Name: LTC [redacted]

Soldier's Signature:	Date:
NOT AVAILABLE FOR SIG	———

SECTION II
(Supervisor's Approval)

Company Commander's Name:	Rank/Grade:	Comments:
PENNINGTON, KYLE	CPT/O-3	

Recommend X Approval ___ Disapproval

Battalion Commander/Authorized Representative Signature:	Date:

Step 1: Soldier completes the request IAW the annual section training plan
Step 2: Company Commander completes work plan, provides recommendation, signs, and submits to BN CDR.
Step 3: The Battalion Commander or his representative approves the RST. No further action if disapproved.
Step 4: The Soldier completes the duty and the Supervisor validates the duty
Step 5: The Soldier attaches this form to a completed DA Form 1380 and forwards to the SSA.
Step 6: The SSA validates the 1380 and submits both forms to the UAT for pay.

EXHIBIT #8

RECORDED STATEMENT OF KYLE PENNINGTON

February 26, 2013

Q This is the statement of Kyle Pennington for his workers' compensation claim. Today's date is February 26, 2013. The time is approximately 3:59 p.m. The location of this statement is 687 ...

A [redacted]

Q [redacted]. And that's [redacted] in Clovis, California. This is Investigator [redacted] of Apex Investigation. This statement's for the exclusive use of AIMS and the City of Clovis. Are you aware that I'm recording our conversation?

A Yes.

Q Is this done with your permission?

A Yes.

Q By law, your claims adjuster and I can't speak with you about your workers' compensation claim if you're currently represented by an attorney in this claim. Are you currently represented ...

A No.

Q ... by an attorney for this workers' compensation claim? Okay. The same thing as before. I'll be asking you some questions. Your statement and answers will be as long as you'd care to make them.

A Okay.

Q If you don't feel comfortable answering a question, you don't have to answer it.

A Okay.

Q Are you currently under the influence of any medication or have a medical

condition or under the influence of any illegal or controlled substances so that could not answer these questions truthfully and accurately?

A No.

Q And you still wish to pursue your current workers' compensation claim with AIMS and the City of Clovis?

A Yes.

Q And in this case since we've interviewed before, I understand it's a right ankle injury?

A Yes.

Q Okay. And do you believe that your injury is work related?

A Yes.

Q Are you currently experiencing any pain or discomfort in the right ankle?

A Currently no.

Q Okay. Are you wearing any kind of a, a boot or support for that?

A I'm not.

Q Is there anything right now you can't do as a result of the injury that you were able to do prior to sustaining it?

A Um, I, I'm still unable to do ah, several of the things that I was doing before the knee injury. I'm still kind of under the umbrella of ah, cautiousness I guess as, as, as far as the knee stuff is concerned. Um, as far as my, my surgeon has, has dictated to me.

Q M-hmmm.

A Um, and that's doctor ah, [redacted] um, with Sierra Pacific Orthopedic. And now that the ankle thing has occurred, it just has kind of added to that. So ah, I'm not able to work out the way that I, I was previous to the knee injury. Um, and the ankle

injury has kind of compounded that. Um, and that's, that's it. I'm not, I'm, yeah, working out is probably the biggest thing. I'm not, not able to do ah, what I was doing in the gym before or I haven't done any sort of cardiovascular ah, running or treadmill or elliptical or swimming or anything to that effect as per the ah, the doctor's orders.

Q Are you still working as a uniformed patrol officer?

A Yes, I am. I've, I got cleared from the knee injury sometime in the middle of January and I went back to work for a week. Ah, and a week being three days. And during that, that time on, on the ah, last day of, of my shift, I noticed some, some pain in my right ankle.

Q M-hmmm.

A And upon, you know, coming home that, that morning and taking my, my boot off, I noticed my ankle was severely swollen and black and blue. And so um, I went directly to the um, Occupational Health ah, place at Saint Agnes and saw a Doctor [redacted], the same ah, physician that was dealing with my knee. And I said hey, you know, I got, you cleared me. I went back to work. I worked for three days. Now, I've got this ankle thing going on, you know. I, I have no, I didn't do anything, anything out, out of the ordinary. I, I didn't chase anybody or jump off of anything or, or do anything. I was kind of trying to hold back as much as I, I had the, the ability to do so during that week of work 'cause I was still kind of babying my, my knee injury.

Q M-hmmm.

A And in conversation with him, he said there, there was good likelihood that ah, the, the, the problem with the ankle was as a result of compensating for the knee injury.

Q Okay.

A So ...

Q Were you, were you wearing a, a brace of some type on the knee then?

A No. I wasn't.

Q You weren't.

A No. None, none of the doctors that I saw recommended any sort of braces or anything like that.

Q Okay. Let me quickly cover the basic identification information.

A Sure.

Q Any change in where you're living? Telephone number? Who you're living with? All that kind of stuff.

A None.

Q Vehicles, you still drive the ...

A Yeah.

Q ... the, whatever it is, the Toyota ...

A Tundra.

Q ... Tundra. Any change on, your son is still here with you?

A Yes.

Q Okay. You're still living with a girlfriend and her child?

A Yes.

Q Okay. We'll skip through that. As far as the employment, you're still working for the City of Clovis? The Police Department and doing patrol duties?

A Yes.

Q Okay.

A I guess I should have said um, so I, I went back to that doctor ah, Doctor [redacted] and he said we're, we're taking you off work until we figure out what's going on with your ankle. So, I went back on light duty and ...

Q Oh, okay.

A ... ah, so I was back on light duty for a period of time through the end of January, the beginning of February and the first, my first week back was, was two weeks ago. I went back, so I got cleared. Ah, I was off very, very limited in everything I was doing with my ankle and ah, it didn't swell up. So, I, I went back to him and then he cleared me to go back to work.

Q Okay.

A But what I did notice, I worked last week without, without any issue or anything. This week, I worked my three days and upon completion of the third day, it was swelling up again. So ah, this past week, I believe it was on, on last week, on Thursday, I went in and had an MRI on the ankle and they called me today to schedule the appointment to go over the MRI and that appointment is set for March 11th.

Q Okay. Do you wear boots when you're working?

A I do.

Q And they come up about how high on the ankle?

A Um, they cover the ankle. So ...

Q To ...

A ... they're about ...

Q ... the calf ...

A ... halfway ...

Q ... then?

A ... up the calf. Yeah.

Q Okay. Are those tie or Velcroed or ...

A They're tie.

Q They're tie. Do you wear them usually on the tight side?

A Yeah.

Q So if you're running, chasing ...

A Yeah. Absolutely.

Q ... you're careful about that. Any change in, in your employment? Are you working a second job at all?

A No.

Q Any, any supplemental income?

A No.

Q Again, just during the life of this claim, if you were to begin collecting something like temporary disability, permanent disability, vocational rehabilitation benefits, you need to let your employer know and let your claims examiner know.

A Sure.

Q Okay. Let's see, we talked about your military service. You're in the Army Reserves?

A I'm an Army Reservist now, yes.

Q Okay. And how often do you, do you get out on reserve duty then?

A Once a month.

Q Okay. Have you gone yet this month?

A I haven't gone. Well, I went in February. I went February 8th and 9th and ah, it was, there was nothing physical whatsoever that, that took place. It was all administrative type paperwork stuff, where I, I was seated most of the time. So, it really didn't have anything to do, there's no physical activity that I had to do. Um, there was some that was scheduled. There, there was a ah, there was a run that I was supposed to do on Sunday morning but ah, I obviously didn't do that because of the, the ankle and knee ...

Q M-hmmm.

A ... problems.

Q Well, did you, in January, did you go?

A In January, I went um dur ... in January, we had a range where we ah, where we fired, was that January? I believe it was January. We had a range where we fired ah, like M-4s and M-16s and stuff like that. So, I went there um, took a van to the range. Got out of the van. Grabbed my weapon. Shot my weapon. Got back in the van and wasn't on my feet very long whatsoever. That was, that was previous to the ankle problem though.

Q Okay. Were you just qualifying or what ...

A Yes. It was zero qualification.

Q Have you, do you just do that from a standing position or do you do prone ...

A You, you do prone, kneeling and standing now.

Q Okay. There wasn't anything where you were running through ...

A There's no running. There's no ...

Q ... buildings and ...

A ... no. There was nothing ...

Q Nothing.

A ... like that. It was a very static, very basic qualification.

Q What, probably less than an hour on, on the range and then ...

A Well less than that. Probably twenty minutes or so.

Q And then cleaning the weapons?

A Yeah.

Q Okay.

A Well, cleaning the weapons, you're sitting, sitting around. You know, you're not, you're not standing up doing anything physical when, when you're doing that.

Q Okay. And which, which unit are you with? What's the designation?

A I am now with a unit called the one-fifty-second um, theater information operations group.

Q That's a mouth full.

A Yeah.

Q Alright. And who is your commanding officer?

A Um, I bel ... I'm, I'm really new to the unit. I've only drilled with them two times. And ah, in the last month, they did a change of command. So, there's a new company commander that I fall under and I believe his name is Captain [redacted] or ...

Q [redacted]

A ... or something like that. Yeah.

Q Okay. And where's, where's the guard located here?

A Ah, it's a reserve unit. It's actually located at Camp Parks outside of Dublin. Near the Bay Area.

Q Oh, way up there. They, they don't have anything closer?

A They do but um, nothing fun closer.

Q Okay.

A The only, the only reserve units they have here nearly, there's a drill sergeant unit that I was in before. Um, and then there's a handful of other things. There's a medical unit and an MP unit and, and stuff that doesn't necessarily interest me.

Q Okay. The two times you've drilled with them then, it sounds like you

haven't done anything physical other than firing at the range?

A Right. Firing at the ...

Q There's ...

A ... range was the only thing physical I did.

Q Minimal physical activity with that really.

A M-hmmm. Absolutely.

Q Okay. Did, when you were at the range or during that weekend in January, did you feel anything with the right ankle?

A No. Not at all.

Q But then in February, you did and you didn't do the run because of it?

A Right.

Q Okay.

A And, and I, and I shied away from doing anything physical in January because um, although my knee felt good, I was still, I was still nursing the, the knee injury at that point.

Q Well, when you report for your, your weekend duty then, what kind of uniform do you wear?

A Uh, I wear the um, Army combat uniform. The, the ACU. So, it's ...

Q Okay.

A ... similar to the old battle dress uniform. Boots ...

Q You've got boots ...

A Yeah.

Q ... and do you wear a hat or a helmet or ...

A Um, at the range, we wore a helmet. Um, normally, we just wear like a baseball style cap.

Q Okay. I assume at the range then, you also have protective glasses ...

A Eye, eye protection. Ear protection.

Q Any, any injuries sustained doing any of your, your reserve duty in let's say the last three months?

A No.

Q Nothing at all?

A No.

Q Okay.

A I didn't drill in December. Um, and then I went to the range in January and then I went ah, this past month where, like I said, it was, it was pretty much all administrative in, in nature.

Q Well, when you go up there to, to the Dublin area, do you stay overnight or do you come back?

A Yeah. I stayed overnight. Usually two nights.

Q Okay.

A That would be too much.

Q I was going to say otherwise, that's a pretty good drive.

A Absolutely.

Q Alright. So currently, the right ankle injury, you're, you're not aware of any specific accident or incident that caused the problem?

A None whatsoever.

Q Didn't trip? Didn't fall?

A Nothing.

Q Didn't step bad off a curb?

A Didn't chase anybody. Didn't jump over anything. Ah, didn't, yeah, didn't

come off a curb and, and twist my ankle. Didn't do anything to that effect.

Q And the doctor thinks it may be compensating because of the knee?

A Right.

Q Okay. I know sometimes, somebody will have something on one side and they compensate and then something on the other side starts acting up a little bit.

A Yeah.

Q Are, are you taking any kind of pain medication? Any ani ... anti-inflam ... anti-inflammatories? That kind of stuff.

A The, the only thing that I'll take let, for instance, on um, on Thursday of last week when I went in for the MRI when it was swollen, I took some ah, Ibuprofen. Some prescribed Ibuprofen that I had. That's it. That's all I'll take for it.

Q Okay. Well, I'm thinking, looking at the, the structure, what's your rank in the, the reserves?

A I'm a captain.

Q Captain. Okay.

A Yeah.

Q Did the doctor at Saint Agnes prescribe any kind of a, a brace or a support?

A He discussed some sort of leather support. Like he, he pulled his computer over and said hey, you know, there's a potential that we could get you something like this depending upon what's going on. This is what I've got people in the past and I said I was interested in it and that's all I heard about it.

Q Was that something that would go on underneath the pants?

A Underneath the boot apparently. Yeah.

Q Or under the boot.

A Apparently, it's leather and it zips up. He was showing me ah, a picture of it. It's made in Arizona or something and we discussed it briefly. I said I was interested in it and that's all I've heard about it.

Q That's all you've heard.

A I guess they were waiting for the results of the MRI and this process is a lengthy one. So um, that, that appointment probably occurred ah, like I said in the middle of February and then I just did my MRI last Thursday.

Q Well, did, did they take x-rays of the ankle?

A They took x-rays of the ankle but then they didn't, they didn't see anything significant.

Q No cracks? No ...

A No cracks. No anything. They could see where I had my previous surgery.

Q M-hmmm.

A Um, and in, there was nothing, nothing that stood out.

Q That surgery was back in 2005?

A 5. Yeah. 2005 when I came back from Iraq.

Q Okay. And that was done by Doctor ...

A [redacted] The same ...

Q [redacted].

A ... doctor that's seeing me know.

Q Okay.

A For the ankle.

Q Okay. So, so he didn't see anything remarkable on the x-rays then?

A Huh-uh.

Q So, then you got the MRI and you're waiting for the results of that?

A Right. And ah, I've had two appointments with his, in his office, where I went there and the first one, he reviewed the x-ray. My ankle was still swollen. At that point, he ah, he removed, I think it was like five or six cc's of fluid from it and he shot me with, shot me with cortisone at, at the same time.

Q Did the cortisone seem to, to stop the pain or decrease it a lot?

A Yeah. For sure. It, it, it stopped it but like I said, last, last Wednesday when I worked, Thursday morning when I got home and I had to go out and do this MRI thing, it was swollen up again.

Q And you work, refresh my memory, you work three ...

A Twelve and a half hour shifts.

Q ... three twelve and a half hour shifts.

A Yeah. It's the graveyard.

Q Okay. That's a long shift. So, the last shift you worked, you had some swelling again?

A Yes.

Q Has that gone down now?

A Yes. It's not swollen at all now.

Q Okay. How about color wise? Black? Blue?

A No. It's um, well actually, it's still a little puffy right there. You can see.

Q Yes.

A But ...

Q It's puffy on the inside of the ...

A Compare the two. Can you see how it's a little puffy there? And then the discoloration usually takes place down here. You can see where it's still kind of

#8

discolored.

Q From just above the heel on the inside of the foot.

A Yeah. So, that's where it's still a little bit puffy apparently. I, I, I, it doesn't hurt or I don't necessarily notice it. So. Um, I've got pretty good range of motion, mobility and everything in it. It feels pretty strong right now. When it swells up bigger, I can't bend my ankle very much. I have, I'm limping around and it's, it's frustrating because now I'm limping around because of my right ankle, while my left knee is still not a hundred percent.

Q Okay. Well, did, did he think there might be a tendon or a ligament problem in the, the right ankle?

A He didn't necessarily mention it to me. He didn't mention anything about that to me. About a, a ligament or a tendon ...

Q Did he say that he thought maybe there was a sprain or a strain or ...

A Ah, he said he didn't know what was going on with it honestly and that he wanted to schedule me for an MRI.

Q The MRI instead.

A And then we had to go through the whole authorization process of people faxing paperwork back and forth to one another and so on and so forth. And like I said, last Thursday was the soonest I could get in to get that MRI.

Q Okay. Other than the surgery in 2005, any other problems you've had with the right ankle?

A No. Never. After the surgery in 2005, I was probably, yeah, I was probably half speed for six or seven months or so. Just kind of babying it back to where it was.

Q M-hmmm.

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A But since then, I, I've, I've played in football tournaments, done weightlifting competitions um, you know, I've, I've had nothing slowing me down as a police officer on the streets and chasing people and jumping over things and doing whatever it is that I need to do. Um, I'm, I'm usually a very active guy, especially, you know, with the Army and ...

Q M-hmmm.

A ... and being a police officer and stuff like that. So, up, up until this point, I've had no issues with it whatsoever.

Q Okay.

A And, and it's definitely, it's definitely been stressed like you know, if, if there was something that, that wasn't right with it because of the surgery, I would imagine that it would have come to light in either, you know, the football tournaments that I've played. Several of them ah, you know ...

Q You're not talking tackle football?

A Ah, it's flag and tackle.

Q (Laughing)

A ... but ...

Q Yeah. I've played in flag but that's ...

A It's, it's pretty serious ...

Q ... the nicks.

A I play in the ah, the ah, Police Olympics every year, so it's a huge, huge thing where ...

Q M-hmmm.

A ... the police departments and fire departments too come together from all over the United States. Played in it last year. Played in it the year before. Um, I don't

play in a lot of local stuff with, with guys I went to school with and stuff like that. But like I said, I've also done ah, two or three weightlifting competitions on it where, you know, I did, I did squat and ah, and dead lift and things like that with some pretty serious weight and never had an issue with it at all.

Q How about when you've just been working out at the gym doing the squats and the lifts and so forth? Do you ever feel a twinge in there?

A No. Never. And well, I haven't done, I haven't done squats or dead lifts or any sort of lower body or cardio stuff since November 9th, when I hurt my knee originally. So, from that point to now, I, I haven't, I haven't even tried.

Q Okay. You just do upper body rather than ...

A Just upper body stuff and that's, that's about all I can do. Upper body and like core and things like that. But previous to November, I was doing dead lifts and squats on a weekly basis. I was doing a lot of cross fit high impact style stuff. Um, and I never had problems with it at all.

Q Okay. Then the only two doctors you've seen are the one at Saint Agnes and then Doctor [redacted] ...

A Yeah.

Q ... at Sierra Pacific?

A Right.

Q Okay.

A It just works out. Doctor [redacted] was the same guy that did the surgery on me in, in 2005.

Q He's still there then?

A Yeah. He's still there.

Q Alright. Any changes in your health coverage?

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A No.

Q And your primary care physician is still ...

A I don't really have one. Doctor [redacted] is the guy that's been seeing me through the, these workman comp things. Then Doctor [redacted].. [redacted] or whatever his name was that I put down on the piece of paper, he was the doctor that was assigned to me when I came back from Afghanistan in 2007 by the Army as being my primary care guy. So, whenever I get sick or whenever, whenever I need anything, I, I have a pretty good experience with him. And so I'll go back there but it's very few, few and far between instances where I even go to a doctor.

Q Do you have any coverage with the, the VA since you're in the reserves?

A Um, it, I have coverage with the VA for my military related injuries.

Q So, if you were on reserve duty on a weekend and something happened, you could ...

A Yeah. I, it wouldn't be through the VA. I, they would put me on, like if I, if I would break a bone or, or something to that effect while I was on reserve duty, they'd probably put me on active duty for a period of time and I would go to an active duty facility ...

Q Okay.

A ... um, versus a VA facility. VA facilities kind of handle things after the fact. So, I deployed, I messed up this nerve in my elbow. I had to come back and have surgery. Then I go back and the VA looks at it and they say okay, you know, that was as a result of you being in Afghanistan doing the things you did in Afghanistan. We got you covered on that elbow thing for the rest of your life. So, if I'm out and about and I hurt my elbow again, I, the idea is, I can go back to the VA ...

Q Go back there ...

A ... for coverage.

Q ... for coverage. If you were up in Camp Park ...

A Parks.

Q ... Parks and got injured, they might take you then to Travis or somewhere to ...

A Either that or they would take me to a civilian facility and ...

Q Oh.

A ... I have seen that happen.

Q Okay.

A As well. With, with other people.

Q See, I don't think Travis is too far from there.

A No, it's not. It's pretty close.

Q In terms of outside contributing factors, do you use tobacco products?

A No.

Q Any change in your use of alcohol products?

A No. Occasionally.

Q Any use of illegal or controlled substances?

A No.

Q Are you taking any prescription medication right now?

A Not besides the Ibuprofen.

Q Just the Ibuprofen?

A Yeah. That's it.

Q Is that like eight hundred milligrams?

A Yes. It's the prescription strength but I think it's six or eight hundred. Whatever.

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Q Yeah. Okay. We've covered your medical history in the past. Anything happen between the time we did the first interview and this interview, other than the, the ankle?

A No.

Q Okay. Been in any motor vehicle accidents since we last met?

A No.

Q You haven't filed any State Disability claims since then? No personal injury claims?

A No. No.

Q Okay. Haven't been arrested for or convicted of a misdemeanor or felony since then?

A Not that I know of. No, I haven't.

Q Okay. Alright. No jumping out of airplanes when you were on reserve duty?

A Um, not recently. I, I used to jump out of airplanes quite frequently when I was in the CA unit in San Diego. Um, but I left that unit back in ah, in April I believe. It was, no, it was before then. Probably, probably over a year ago. I left that unit in January of last year. From January to April, I went to a couple schools out at, at Fort Bragg and then Fort Benning.

Q Oh, okay.

A [redacted]

from [redacted] er. [redacted] ar. [redacted]

[redacted] s.

Q Okay. Do you do snowboarding?

A Ah, I haven't in a number of years.

Q Ah. I've never tried it. I've tried, I've done skiing but I'm not sure I, I'd end up with a broken something.

A Yeah. I ah, I haven't snowboarded since, since I lived in Washington um, previous to me going to Iraq. So, it's probably 2004.

Q Okay.

A Or so.

Q Alright. That covers the questions I have. Is there anything you'd care to add that we haven't talked about?

A Um, no. I just, I, it blows my mind that this, this even happened. Like I said, if, I wish there was something I could point my finger and attribute it to.

Q M-hmmm.

A But there's really not. Um, and ah, it, it, it's just kind of frustrating more, more than anything to, to kind of be back in a situation again where I get done with work. My ankle swells up and then I'm chewing on Ibuprofen to try to make the swelling go down and make it to work that night and ...

Q Is the right knee back okay now?

A The left knee.

Q Left knee.

A I, I haven't run on it. I haven't done the things that I did before. So, as far as I can tell, yeah.

Q How do you do with your normal stuff? Getting in the car, driving, walking

around ...

A It doesn't bother me.

Q ... it's okay?

A It doesn't bother me.

Q Going up stairs?

A Nope. Doesn't bother me.

Q Is this a one- or two-story place?

A One.

Q Okay. Pretty observant, huh. (Laughing)

A It, it hasn't, it hasn't bothered me in, in, since I, since I was cleared ...

Q Okay.

A ... to go back to work. And that was ah, that was in the middle of January. Late January or something like that is when I went back to work for that one week and then my ankle swelled up on me and they put me back on light duty after that.

Q Got it. Okay. All right. We'll go ahead and end the recorded interview. If I need to contact you to clarify one of your answers or ask a new question, would that be okay?

A Yeah. Absolutely.

Q And was this recorded with your permission and the photo taken with your permission?

A Yes, it was.

Q Did you voluntarily fill out the paperwork?

A Yes, I did.

Q Okay. The time is now approximately 4:23 p.m.

JK/bs

EXHIBIT #9

TL HISTORY
(FOR OFFICIAL USE ONLY)
Fiscal Year: 2012

Date Prepared: 2013/03/28

Time Prepared: 12:56

Unit Name: 0416 CA BN CO D (ABN)(TAC)

Unit ID: WRTPD0

Name	SSN	Section	Transaction Log Number	Pay Tech Id	Transaction Log Date	Event Date	Drill Code	UTA Period Nbr	Pay/Non-Pay Code
PENNINGTON KYLE W	[redacted]		2	[redacted]	2011/10/17	2011/10/15	11	1	S
PENNINGTON KYLE W			2		2011/10/17	2011/10/15	11	2	S
PENNINGTON KYLE W			2		2011/10/17	2011/10/16	11	1	P
PENNINGTON KYLE W			2		2011/10/17	2011/10/16	11	2	P
PENNINGTON KYLE W			12		2012/02/14	2012/02/11	11	1	S
PENNINGTON KYLE W			12		2012/02/14	2012/02/11	11	2	S
PENNINGTON KYLE W			12		2012/02/14	2012/02/12	11	1	S
PENNINGTON KYLE W			12		2012/02/14	2012/02/12	11	2	S
PENNINGTON KYLE W			15		2012/03/12	2012/03/10	11	1	S
PENNINGTON KYLE W			15		2012/03/12	2012/03/10	11	2	S
PENNINGTON KYLE W			15		2012/03/12	2012/03/11	11	1	S
PENNINGTON KYLE W			15		2012/03/12	2012/03/11	11	2	S
PENNINGTON KYLE W			19		2012/04/16	2012/04/13	11	1	S
PENNINGTON KYLE W			19		2012/04/16	2012/04/13	11	2	S
PENNINGTON KYLE W			19		2012/04/16	2012/04/14	11	1	S
PENNINGTON KYLE W			19		2012/04/16	2012/04/14	11	2	S
PENNINGTON KYLE W			19		2012/04/16	2012/04/15	11	1	S
PENNINGTON KYLE W			19		2012/04/16	2012/04/15	11	2	S
PENNINGTON KYLE W			21		2012/05/21	2012/05/18	11	1	A
PENNINGTON KYLE W			21		2012/05/21	2012/05/18	11	2	A
PENNINGTON KYLE W			21		2012/05/21	2012/05/19	11	1	A

#9

TL HISTORY
(FOR OFFICIAL USE ONLY)
Fiscal Year: 2012

Date Prepared: 2013/03/28
Time Prepared: 12:56

Unit Name: 0416 CA BN CO D (ABN)(TAC)
Unit ID: WRTPD0

Name	SSN	Section	Trans-action Log Number	Pay Tech Id	Transaction Log Date	Event Date	Drill Code	UTA Per-iod Nbr	Pay/ Non-Pay Code
PENNINGTON KYLE W	[redacted]		21	[redacted]	2012/05/21	2012/05/19	11	2	A
PENNINGTON KYLE W			21		2012/05/21	2012/05/20	11	1	A
PENNINGTON KYLE W			21		2012/05/21	2012/05/20	11	2	A
PENNINGTON KYLE W			25		2012/07/02	2012/06/14	11	1	R
PENNINGTON KYLE W			23		2012/06/25	2012/06/23	11	1	A
PENNINGTON KYLE W			23		2012/06/25	2012/06/23	11	2	A
PENNINGTON KYLE W			23		2012/06/25	2012/06/24	11	1	A
PENNINGTON KYLE W			23		2012/06/25	2012/06/24	11	2	A
PENNINGTON KYLE W			29		2012/08/20	2012/08/18	11	1	S
PENNINGTON KYLE W			29		2012/08/20	2012/08/18	11	2	S
PENNINGTON KYLE W			29		2012/08/20	2012/08/19	11	1	S
PENNINGTON KYLE W			29		2012/08/20	2012/08/19	11	2	S
PENNINGTON KYLE W			36		2012/09/18	2012/09/15	11	1	A
PENNINGTON KYLE W			36		2012/09/18	2012/09/15	11	2	A
PENNINGTON KYLE W			36		2012/09/18	2012/09/16	11	1	A
PENNINGTON KYLE W			36		2012/09/18	2012/09/16	11	2	A

A – Excused Absence

B – Excused Absence – attached 90 – 179 days to another unit for pay

C – Excused Absence – at ADT no RST scheduled

F – Excused Absence – on individual training schedule (USARF school only)

G – Excused absence – on 90 day conditional release

H – Performed duty – attached (90 days or less) to another unit or USARF school

M – Excused absence – points only

N – Performed duty - points only

P – Performed duty

R – Performed duty RST

S – Excused absence – RST Schedule

T – Excused absence at IADT

U – Unexcused absence

W – Excused absence – ET scheduled

Z – Excused absence – Pending Loss

EXHIBIT #10

DEPARTMENT OF THE ARMY
416th CIVIL AFFAIRS BATTALION (AIRBORNE)
11620 SORRENTO VALLEY ROAD
SAN DIEGO, CALIFORNIA 92121-1011

REPLY TO
ATTENTION OF:

ARRC-CPC-AAP-O

21 July 2011

MEMORANDUM FOR RECORD

SUBJECT: FY 2012 Battle Assembly Training Schedule

1. The Battle Assembly and Annual Training for FY 2011-12:

15-16	OCT 2011	MUTA 4
4-6	NOV 2011	MUTA 5
10	DEC 2011	MUTA 2
20-22	JAN 2012	MUTA 5
11-12	FEB 2012	MUTA 4
10-11	MAR 2012	MUTA 4
13-15	APR 2012	MUTA 6
18-20	MAY 2012	MUTA 6
23-24	JUN 2012	MUTA 4
	JUL 2012	No Battle Assembly
18-19	AUG 2012	MUTA 4
15-16	SEP 2012	MUTA 3

2. All MUTA 5s will start on the beginning date at 1800 hours, except for parachutists, who may start duty earlier in the day.

3. The annual training dates for FY 2012 are ~~16-29~~ 16-30 JULY 2012.

4. Point of contact for this memorandum is CPT [redacted] at [redacted] or by email at [redacted].

[redacted]
LTC, CA
Commanding

EXHIBIT #11

DEPARTMENT OF THE ARMY
HEADQUARTERS AND HEADQUARTERS COMPANY
152nd THEATER INFORMATION OPERATIONS GROUP
BUILDING 510, EVANS AVENUE
CAMP PARKS, CA 94568-5201

REPLY TO
ATTENTION OF:

AFRC-RRC-TIG

17 May 2012

MEMORANDUM FOR

Commander, HHC, 152nd TIOG, Camp Parks RFTA, Dublin, CA 94568
Commander, 303rd IO BN, Camp Parks RFTA, Dublin, CA 94568
Commander, 304th IO BN, Camp Parks RFTA, Dublin, CA 94568

SUBJECT: Fiscal Year 2013 (FY13) Battle Training Assembly (BTA) Schedule

1. The FY 13 BTA Schedule for the 152nd TIOG and subordinate units is as follows:

13-14	OCT 2012	MUTA4	Unit Training/APFT
16-18	NOV 2012	MUTA6	SRP
8-9	DEC 2012	MUTA4	Family Day/Holiday Event (Group Event)
12-13	JAN 2013	MUTA4	Unit Training
9-10	FEB 2013	MUTA4	Unit Training
9-10	MAR 2013	MUTA4	Unit Training
13-14	APR 2013	MUTA4	Unit Training/APFT
11-12	MAY 2013	MUTA4	Unit Training
7-9	JUN 2013	MUTA6	Unit Training
8-21	JUL 2013	AT-14D	AT: BNIOC, Weapons Qualification
10-11	AUG 2013	MUTA4	Unit Training/Dining Out
14-15	SEP 2013	MUTA4	Unit Training

2. Rescheduled Training (RST) requests must be submitted in accordance with the 152nd TIOG's RST Policy.

3. Point of contact for this memorandum is MAJ [redacted] or [redacted]

****Original Signed********
[redacted]
LTC, SC
Acting Commander

EXHIBIT #12

Army Physical Fitness Test Scorecard

For use of this form, see TC 3-22.20; the proponent agency is TRADOC.

NAME (LAST, FIRST MIDDLE): PENNINGTON, Kyle

GENDER: MALE

UNIT: 416TH CA BN (CA)

TEST FIVE			TEST SIX			TEST SEVEN			TEST EIGHT		
DATE: 14NOV10	GRADE: O-3	AGE: 31	DATE: 13FEB11	GRADE: O-3	AGE: 31	DATE	GRADE	AGE	DATE	GRADE	AGE
HEIGHT (IN INCHES): 70	BODY COMPOSITION WEIGHT: 208 lbs GO / NO-GO:	BODY FAT: 14 % GO / NO-GO:	HEIGHT (IN INCHES): 70	BODY COMPOSITION WEIGHT: 207 lbs GO / NO-GO:	BODY FAT: 18 % GO / NO-GO:	HEIGHT (IN INCHES)	BODY COMPOSITION WEIGHT: lbs GO / NO-GO	BODY FAT: % GO / NO-GO	HEIGHT (IN INCHES)	BODY COMPOSITION WEIGHT: lbs GO / NO-GO	BODY FAT: % GO / NO-GO
PU RAW SCORE: 80	INITIALS	POINTS: 100	PU RAW SCORE: 83	INITIALS	POINTS: 100	PU RAW SCORE	INITIALS	POINTS	PU RAW SCORE	INITIALS	POINTS
SU RAW SCORE: 86	INITIALS	POINTS: 100	SU RAW SCORE: 87	INITIALS	POINTS: 100	SU RAW SCORE	INITIALS	POINTS	SU RAW SCORE	INITIALS	POINTS
2MR RAW SCORE	INITIALS	POINTS	2MR RAW SCORE	INITIALS	POINTS	2MR RAW SCORE	INITIALS	POINTS	2MR RAW SCORE	INITIALS	POINTS
ALTERNATE AEROBIC EVENT EVENT: 2.5 mile walk TIME: 31:45 GO: X NO-GO:	TOTAL POINTS: 200		ALTERNATE AEROBIC EVENT EVENT: 2.5 MILE WALK TIME: 31:31 GO: X NO-GO:	TOTAL POINTS		ALTERNATE AEROBIC EVENT EVENT: TIME: GO: NO-GO:	TOTAL POINTS		ALTERNATE AEROBIC EVENT EVENT: TIME: GO: NO-GO:	TOTAL POINTS	
NCOIC/OIC SIGNATURE: [redacted]			NCOIC/OIC SIGNATURE: [redacted]			NCOIC/OIC SIGNATURE			NCOIC/OIC SIGNATURE		
COMMENTS: PASS Record			COMMENTS: Record APFT.			COMMENTS			COMMENTS		

SPECIAL INSTRUCTION: USE INK

LEGEND: PU - PUSH UPS; SU - SIT UPS; 2MR - 2 MILE RUN; APFT - ARMY PHYSICAL FITNESS TEST

PREVIOUS EDITIONS ARE OBSOLETE.

APD PE v1.00ES

DA FORM 705, MAY 2010

Pennington June 2012-Text

	Incoming/Outgoing/Grand Total		
5:07:00 PM		1	1
7:21:00 PM		1	1
7:22:00 PM	1		1
7:23:00 PM	1	1	2
7:24:00 PM	1		1
7:27:00 PM		1	1
7:29:00 PM		1	1
7:32:00 PM	1		1
7:38:00 PM		1	1
7:42:00 PM	1		1
7:43:00 PM	2		2
7:44:00 PM	2		2
7:45:00 PM	1		1
7:47:00 PM		1	1
7:50:00 PM		1	1
7:56:00 PM	1		1
7:58:00 PM		1	1
7:59:00 PM	1		1
8:04:00 PM	1		1
8:07:00 PM		1	1
8:10:00 PM		1	1
8:12:00 PM	1	1	2
8:13:00 PM	1	1	2
8:15:00 PM	1	1	2
8:17:00 PM		1	1
8:18:00 PM	1		1
8:19:00 PM		1	1
8:23:00 PM	1		1
8:25:00 PM		1	1
10:41:00 PM	1		1
11:08:00 PM		1	1
11:11:00 PM	1		1
11:17:00 PM		1	1
11:33:00 PM	1		1
11:38:00 PM		1	1
11:41:00 PM		1	1
11:42:00 PM	1		1
11:43:00 PM		1	1
11:51:00 PM	1		1
6/3/2012	**34**	**33**	**67**
[redacted]	**34**	**33**	**67**
12:04:00 AM	1		1
8:43:00 AM	2		2

[redacted]

Pennington June 2012-Text

	Incoming	Outgoing	Grand Total
5:07:00 PM		1	1
7:21:00 PM		1	1
7:22:00 PM	1		1
7:23:00 PM	1	1	2
7:24:00 PM	1		1
7:27:00 PM		1	1
7:29:00 PM		1	1
7:32:00 PM	1		1
7:38:00 PM		1	1
7:42:00 PM	1		1
7:43:00 PM	2		2
7:44:00 PM	2		2
7:45:00 PM	1		1
7:47:00 PM		1	1
7:50:00 PM		1	1
7:56:00 PM	1		1
7:58:00 PM		1	1
7:59:00 PM	1		1
8:04:00 PM	1		1
8:07:00 PM		1	1
8:10:00 PM		1	1
8:12:00 PM	1	1	2
8:13:00 PM	1	1	2
8:15:00 PM	1	1	2
8:17:00 PM		1	1
8:18:00 PM	1		1
8:19:00 PM		1	1
8:23:00 PM	1		1
8:25:00 PM		1	1
10:41:00 PM	1		1
11:08:00 PM		1	1
11:11:00 PM	1		1
11:17:00 PM		1	1
11:33:00 PM	1		1
11:38:00 PM		1	1
11:41:00 PM		1	1
11:42:00 PM	1		1
11:43:00 PM		1	1
11:51:00 PM	1		1
6/3/2012	**34**	**33**	**67**
[redacted]	**34**	**33**	**67**
12:04:00 AM	1		1
8:43:00 AM	2		2

[redacted]

Pennington June 2012-Text

	Incoming	Outgoing	Grand Total
9:14:00 AM		1	1
9:16:00 AM	1		1
9:17:00 AM	1	1	2
9:18:00 AM		1	1
9:19:00 AM	1		1
9:20:00 AM	1	1	2
9:21:00 AM	1	1	2
9:22:00 AM	1		1
9:23:00 AM		1	1
9:25:00 AM		1	1
9:26:00 AM	1	1	2
9:27:00 AM	2	3	5
9:29:00 AM	2		2
9:30:00 AM		1	1
9:31:00 AM	2	1	3
9:32:00 AM	2	1	3
9:33:00 AM		1	1
9:34:00 AM	1		1
9:37:00 AM		1	1
9:38:00 AM	1		1
9:39:00 AM		1	1
9:42:00 AM	1	1	2
9:43:00 AM	1	2	3
9:44:00 AM	1		1
9:45:00 AM		1	1
9:46:00 AM	1	1	2
9:47:00 AM	1		1
9:49:00 AM	1	1	2
9:54:00 AM	1		1
10:47:00 AM		3	3
4:54:00 PM	1		1
5:33:00 PM		1	1
6:51:00 PM	1		1
6:55:00 PM		1	1
9:08:00 PM		1	1
9:09:00 PM	1		1
9:13:00 PM		1	1
9:15:00 PM	1		1
9:53:00 PM	1		1
10:34:00 PM	1		1
10:43:00 PM		1	1
10:44:00 PM		1	1
11:18:00 PM	1		1

Pennington June 2012-Text

Incoming/Outgoing/Grand Total

11:57:00 PM		1	1
6/4/2012	14	8	22
[redacted]	14	8	22
12:00:00 AM	1		1
12:05:00 AM		1	1
12:13:00 AM	1		1
8:18:00 AM		1	1
8:20:00 AM	1		1
8:23:00 AM		1	1
8:24:00 AM	1		1
8:28:00 AM		1	1
5:15:00 PM		1	1
5:17:00 PM	1		1
5:20:00 PM		1	1
5:21:00 PM	1		1
5:50:00 PM		1	1
6:25:00 PM	1		1
6:27:00 PM	1		1
6:28:00 PM		1	1
6:32:00 PM	1		1
6:33:00 PM	1		1
6:35:00 PM	1		1
6:36:00 PM	1		1
6:40:00 PM	1		1
6:44:00 PM	1		1
6/8/2012	58	46	104
[redacted]	58	46	104
8:09:00 AM		1	1
8:22:00 AM		2	2
8:56:00 AM	2		2
8:57:00 AM	1		1
8:59:00 AM	1	1	2
9:00:00 AM	2	1	3
9:01:00 AM		2	2
9:03:00 AM	2		2
9:06:00 AM	1		1
9:08:00 AM	2		2
9:09:00 AM		1	1
9:11:00 AM	1		1
9:12:00 AM	1		1
9:14:00 AM	2		2
9:15:00 AM	1		1
9:16:00 AM	1		1

[redacted]

Pennington June 2012-Text

	Incoming/Outgoing/Grand Total		
9:19:00 AM	2		2
9:20:00 AM	2		2
9:21:00 AM		1	1
9:24:00 AM		1	1
9:25:00 AM		1	1
9:27:00 AM	3		3
9:28:00 AM	1		1
9:29:00 AM	1	1	2
9:30:00 AM	1		1
9:31:00 AM	1		1
10:08:00 AM	1	1	2
10:09:00 AM	1		1
10:10:00 AM	2		2
10:16:00 AM		1	1
12:39:00 PM		1	1
12:40:00 PM	1		1
12:51:00 PM	1		1
12:55:00 PM		1	1
12:56:00 PM	1		1
1:03:00 PM		1	1
1:13:00 PM	1	1	2
1:16:00 PM	1		1
1:28:00 PM		1	1
1:34:00 PM		1	1
1:50:00 PM		1	1
2:12:00 PM	1	1	2
2:16:00 PM	1		1
2:17:00 PM	1	1	2
2:18:00 PM		1	1
5:13:00 PM		1	1
5:15:00 PM		1	1
5:56:00 PM	1		1
5:57:00 PM		1	1
6:24:00 PM		1	1
6:42:00 PM	1		1
7:11:00 PM		1	1
7:16:00 PM	1		1
7:35:00 PM		1	1
7:39:00 PM		1	1
7:40:00 PM	2	1	3
7:42:00 PM		1	1
8:19:00 PM	1		1
8:29:00 PM		1	1

Pennington June 2012-Text

	Incoming/Outgoing/Grand Total		
8:43:00 PM	1		1
8:45:00 PM		1	1
8:46:00 PM	1		1
8:53:00 PM	1		1
9:08:00 PM		1	1
9:11:00 PM	1		1
9:21:00 PM		1	1
9:22:00 PM	2		2
9:26:00 PM		1	1
10:09:00 PM	1		1
10:12:00 PM		1	1
10:21:00 PM	1		1
10:26:00 PM		1	1
10:27:00 PM	1		1
10:29:00 PM		1	1
11:03:00 PM	1		1
11:08:00 PM		1	1
11:09:00 PM	1		1
11:16:00 PM		1	1
11:17:00 PM	1		1
11:18:00 PM		1	1
11:19:00 PM		1	1
11:20:00 PM		1	1
6/9/2012	44	33	77
[redacted]	44	33	77
12:13:00 AM		1	1
12:16:00 AM	1		1
12:20:00 AM	1		1
12:23:00 AM	1		1
12:30:00 AM		3	3
12:59:00 AM	1		1
1:18:00 AM		1	1
1:20:00 AM	1		1
1:39:00 AM		1	1
1:54:00 AM	1		1
1:55:00 AM		1	1
4:06:00 AM	1		1
6:23:00 AM		1	1
6:32:00 AM	1		1
11:48:00 AM	1		1
12:12:00 PM		1	1
12:16:00 PM	1		1
12:18:00 PM		1	1

Pennington June 2012-Text

	Incoming	Outgoing	Grand Total
12:35:00 PM	1		1
12:36:00 PM	1		1
12:38:00 PM		1	1
12:40:00 PM	2		2
12:41:00 PM	1	1	2
12:42:00 PM	1		1
12:43:00 PM	1	1	2
12:45:00 PM	1		1
12:46:00 PM	2		2
12:47:00 PM	2		2
12:52:00 PM	1		1
12:53:00 PM		1	1
12:55:00 PM	2		2
12:56:00 PM	1		1
12:57:00 PM	1		1
2:19:00 PM	1		1
5:52:00 PM		1	1
8:09:00 PM		1	1
9:41:00 PM		1	1
9:42:00 PM	1	1	2
9:43:00 PM	1		1
9:46:00 PM		1	1
9:47:00 PM	1		1
9:48:00 PM	1		1
9:49:00 PM	3	1	4
9:52:00 PM		1	1
9:53:00 PM	1		1
9:54:00 PM		1	1
9:55:00 PM	1	1	2
9:56:00 PM		1	1
9:57:00 PM	3		3
9:58:00 PM		2	2
9:59:00 PM	1		1
10:01:00 PM		1	1
10:31:00 PM		1	1
10:36:00 PM	1		1
11:52:00 PM		2	2
11:54:00 PM	1		1
11:57:00 PM		1	1
11:58:00 PM	1	2	3
6/10/2012	12	14	26
[redacted]	12	14	26
12:11:00 AM	2	2	4

Pennington June 2012-Text

Incoming/Outgoing/Grand Total

1:00:00 AM		1	1
2:08:00 AM		1	1
2:22:00 AM	1		1
6:25:00 AM		1	1
6:26:00 AM	1		1
8:51:00 PM	1		1
9:05:00 PM		1	1
9:14:00 PM	1		1
9:18:00 PM		1	1
9:19:00 PM	1		1
9:26:00 PM		1	1
10:16:00 PM		1	1
10:17:00 PM	1		1
10:18:00 PM		1	1
10:24:00 PM	1	1	2
11:07:00 PM		1	1
11:22:00 PM	1		1
11:25:00 PM		1	1
11:37:00 PM	1		1
11:38:00 PM	1	1	2
6/11/2012	**6**	**8**	**14**
[redacted]	**6**	**8**	**14**
12:56:00 AM	1	1	2
1:00:00 AM		1	1
1:11:00 AM	1		1
1:32:00 AM		2	2
1:33:00 AM	1		1
1:35:00 AM		1	1
1:50:00 AM		1	1
1:51:00 AM		1	1
1:52:00 AM	1		1
7:52:00 AM		1	1
7:53:00 AM	1		1
10:28:00 PM	1		1
6/29/2012	**18**	**13**	**31**
[redacted]	**18**	**13**	**31**
6:43:00 PM	1		1
8:41:00 PM		1	1
8:54:00 PM		1	1
10:33:00 PM	1	1	2
10:35:00 PM	2		2
10:39:00 PM	1		1
10:40:00 PM	1		1

[redacted]

Pennington June 2012-Text

	Incoming/Outgoing/Grand Total		
10:52:00 PM	3	1	4
10:53:00 PM	1		1
10:54:00 PM		1	1
10:55:00 PM		2	2
11:02:00 PM		1	1
11:06:00 PM	1		1
11:07:00 PM		1	1
11:08:00 PM	1		1
11:09:00 PM	1		1
11:10:00 PM	1	1	2
11:40:00 PM	1		1
11:45:00 PM	1		1
11:47:00 PM		1	1
11:48:00 PM	1	1	2
11:49:00 PM	1		1
11:51:00 PM		1	1
6/30/2012	44	33	77
[redacted]	44	33	77
12:05:00 AM	1		1
12:07:00 AM	1	1	2
12:16:00 AM	1	1	2
12:17:00 AM	2		2
12:19:00 AM	2		2
12:20:00 AM	1		1
12:21:00 AM	1	1	2
12:22:00 AM	1		1
12:23:00 AM	1		1
12:26:00 AM	1	1	2
12:27:00 AM	1		1
12:28:00 AM	1		1
12:31:00 AM	1		1
12:35:00 AM	1		1
12:40:00 AM	1		1
12:43:00 AM		1	1
12:44:00 AM	1		1
12:46:00 AM	1		1
12:57:00 AM		2	2
1:14:00 AM	1	1	2
1:29:00 AM		1	1
1:33:00 AM	1		1
1:34:00 AM		1	1
1:36:00 AM		1	1
1:40:00 AM		1	1

Pennington June 2012-Text

Incoming/Outgoing/Grand Total

1:51:00 AM	1		1
2:06:00 AM		1	1
2:07:00 AM	1	1	2
2:11:00 AM	3		3
2:12:00 AM		1	1
2:13:00 AM	1		1
2:14:00 AM		1	1
2:16:00 AM	1		1
2:21:00 AM	1		1
2:22:00 AM	1		1
2:23:00 AM	1		1
2:25:00 AM	1		1
8:21:00 AM		1	1
8:34:00 AM		1	1
9:24:00 AM	1		1
9:26:00 AM	1		1
9:35:00 AM	1		1
4:46:00 PM		1	1
4:49:00 PM	1		1
4:50:00 PM		1	1
4:52:00 PM		1	1
5:02:00 PM		1	1
5:03:00 PM	1		1
5:12:00 PM		1	1
5:23:00 PM	1		1
5:37:00 PM		1	1
6:03:00 PM	1		1
6:08:00 PM		1	1
6:09:00 PM	1	1	2
7:47:00 PM		1	1
7:49:00 PM		1	1
8:43:00 PM	1		1
9:25:00 PM		1	1
10:57:00 PM		1	1
11:07:00 PM	1	1	2
11:32:00 PM	1		1
11:33:00 PM		1	1
11:34:00 PM	1		1
11:38:00 PM		1	1

282 TEXTS

Pennington July 2012-Text

Incoming/Outgoing/Grand Total [redacted]

7/1/2012	45	60	105
[redacted]	45	60	105
2:15:00 AM		1	1
2:54:00 AM	1		1
3:10:00 AM		1	1
3:14:00 AM		1	1
3:35:00 AM		1	1
3:51:00 AM	1	1	2
12:11:00 PM		1	1
12:15:00 PM	2	1	3
12:16:00 PM		1	1
12:17:00 PM	1	1	2
12:18:00 PM		1	1
1:53:00 PM		1	1
2:02:00 PM		1	1
2:27:00 PM	1	1	2
2:28:00 PM		1	1
2:30:00 PM	1	1	2
2:31:00 PM		1	1
2:32:00 PM	1		1
2:33:00 PM	1	1	2
2:34:00 PM		1	1
2:35:00 PM	1		1
2:38:00 PM		1	1
2:55:00 PM	1		1
2:56:00 PM	1	1	2
2:59:00 PM		1	1
3:00:00 PM	1		1
3:01:00 PM	2	1	3
3:04:00 PM		1	1
3:05:00 PM		1	1
3:09:00 PM	1	1	2
3:15:00 PM		1	1
3:22:00 PM		2	2
4:41:00 PM	1		1
4:44:00 PM	1		1
4:55:00 PM		1	1
6:22:00 PM	1		1
6:24:00 PM		2	2
6:30:00 PM	1		1
6:33:00 PM		1	1
6:39:00 PM		1	1
6:48:00 PM	1		1

Pennington July 2012-Text

	Incoming/Outgoing/Grand Total		
6:49:00 PM		1	1
6:50:00 PM	1		1
6:51:00 PM		1	1
6:52:00 PM	1		1
6:55:00 PM		2	2
6:59:00 PM		1	1
7:01:00 PM	1		1
7:04:00 PM	1	1	2
7:05:00 PM		1	1
7:11:00 PM	2		2
7:18:00 PM	1		1
7:26:00 PM	1		1
7:28:00 PM		1	1
7:46:00 PM		1	1
7:50:00 PM	1		1
7:51:00 PM	1		1
7:53:00 PM		1	1
8:14:00 PM		1	1
8:16:00 PM	1	1	2
8:20:00 PM	1		1
8:23:00 PM		2	2
8:28:00 PM	1		1
8:29:00 PM		1	1
8:31:00 PM	2	1	3
8:32:00 PM	2		2
8:33:00 PM		1	1
8:35:00 PM	1		1
8:36:00 PM		1	1
8:37:00 PM	1		1
8:44:00 PM		1	1
8:52:00 PM		1	1
8:56:00 PM	1		1
8:58:00 PM		2	2
9:02:00 PM	1		1
9:19:00 PM	1		1
9:22:00 PM		2	2
9:26:00 PM	2		2
9:31:00 PM		1	1
10:34:00 PM		1	1
11:52:00 PM		1	1
7/2/2012	30	32	62
[redacted]	30	32	62
12:18:00 AM		1	1

Pennington July 2012-Text

	Incoming	Outgoing	Grand Total
12:53:00 AM	1		1
12:54:00 AM	1		1
1:13:00 AM	1		1
1:22:00 AM		1	1
1:26:00 AM	1		1
1:32:00 AM		1	1
1:49:00 AM	1		1
1:51:00 AM	2	1	3
1:52:00 AM	1	2	3
1:53:00 AM		1	1
1:55:00 AM		1	1
2:28:00 AM		1	1
3:55:00 AM	1		1
12:32:00 PM		1	1
12:34:00 PM		1	1
12:35:00 PM		1	1
12:36:00 PM		1	1
12:38:00 PM	1		1
12:39:00 PM	1		1
1:10:00 PM	1		1
1:12:00 PM	1		1
1:13:00 PM	1	2	3
1:14:00 PM	1		1
1:15:00 PM	1	1	2
1:17:00 PM		1	1
1:18:00 PM	1	1	2
1:40:00 PM		1	1
1:48:00 PM		1	1
2:29:00 PM		1	1
2:36:00 PM	2	1	3
2:37:00 PM	1	1	2
2:38:00 PM	1		1
2:39:00 PM		1	1
2:41:00 PM	2		2
2:42:00 PM		1	1
2:43:00 PM	1	1	2
2:44:00 PM		1	1
2:45:00 PM		1	1
2:51:00 PM	3		3
3:38:00 PM		1	1
3:42:00 PM	1		1
4:49:00 PM		1	1
5:01:00 PM		1	1

Pennington July 2012-Text

	Incoming/Outgoing/Grand Total		
5:05:00 PM	1	1	2
9:00:00 PM	1		1
7/3/2012	**16**	**22**	**38**
7/4/2012	**2**	**2**	**4**
7/5/2012	**15**	**25**	**40**
7/6/2012	**25**	**27**	**52**
[redacted]	**25**	**27**	**52**
9:27:00 AM	1		1
10:36:00 AM	1		1
10:47:00 AM	1		1
10:48:00 AM		1	1
10:49:00 AM	2		2
10:50:00 AM	1		1
10:51:00 AM	1	2	3
10:52:00 AM	2		2
10:53:00 AM		1	1
11:29:00 AM	1		1
11:30:00 AM		1	1
11:32:00 AM	1		1
11:33:00 AM	1	1	2
11:34:00 AM	1		1
11:35:00 AM		1	1
11:37:00 AM	1		1
11:38:00 AM		1	1
11:39:00 AM	1	1	2
11:40:00 AM	1		1
11:41:00 AM		1	1
11:44:00 AM	1		1
12:22:00 PM	1		1
12:32:00 PM	1		1
12:42:00 PM	1		1
2:59:00 PM		1	1
3:00:00 PM		2	2
3:02:00 PM		1	1
3:09:00 PM	2		2
3:31:00 PM		1	1
3:32:00 PM	1		1
4:50:00 PM	1		1
4:57:00 PM		1	1
5:27:00 PM		1	1
5:28:00 PM		1	1
6:56:00 PM		2	2
6:57:00 PM	1		1



Pennington July 2012-Text

		Incoming/Outgoing/Grand Total	
6:58:00 PM		1	1
8:25:00 PM		1	1
8:31:00 PM		2	2
9:23:00 PM		1	1
10:15:00 PM		1	1
11:21:00 PM		1	1
7/7/2012	**19**	**27**	**46**
[redacted]		**1**	**1**
5:08:00 PM		1	1
[redacted]	**19**	**26**	**45**
12:40:00 AM		1	1
12:50:00 AM		1	1
1:27:00 AM	1		1
1:32:00 AM	1		1
1:38:00 AM		1	1
1:40:00 AM	1		1
1:42:00 AM		1	1
1:59:00 AM	1		1
2:02:00 AM	1	1	2
2:04:00 AM	1	1	2
2:05:00 AM		1	1
2:06:00 AM	1	1	2
2:30:00 AM	1	2	3
2:31:00 AM	1	1	2
2:33:00 AM	1		1
2:34:00 AM		1	1
2:41:00 AM	1		1
2:44:00 AM	1	2	3
2:45:00 AM	1	1	2
11:05:00 AM	1		1
11:47:00 AM		1	1
12:09:00 PM		1	1
2:31:00 PM	1		1
3:02:00 PM	1		1
3:13:00 PM		2	2
3:18:00 PM	1		1
3:21:00 PM		1	1
6:05:00 PM		1	1
7:38:00 PM		1	1
7:45:00 PM	1		1
7:46:00 PM		1	1
8:02:00 PM		1	1
8:50:00 PM	1		1

Pennington July 2012-Text

	Incoming/Outgoing/Grand Total		
8:57:00 PM		1	1
10:25:00 PM		1	1
7/8/2012	65	24	89
[redacted]	65	24	89
12:13:00 AM	1		1
12:19:00 AM		1	1
2:01:00 AM	2		2
2:02:00 AM	1		1
2:12:00 AM	2	1	3
2:14:00 AM	1	1	2
2:15:00 AM	2		2
2:17:00 AM	1		1
2:18:00 AM	1		1
2:19:00 AM	1		1
2:20:00 AM	1		1
2:22:00 AM	2		2
2:23:00 AM	1		1
2:25:00 AM	2	1	3
2:37:00 AM	1		1
2:40:00 AM	3		3
2:41:00 AM	1		1
2:49:00 AM	1		1
2:50:00 AM	2	1	3
2:51:00 AM	2	1	3
2:52:00 AM	4	2	6
2:53:00 AM	1	1	2
2:54:00 AM	2	1	3
2:55:00 AM	2	1	3
2:56:00 AM	1		1
3:27:00 AM	1		1
3:28:00 AM	2	1	3
3:30:00 AM	2		2
3:31:00 AM	2		2
3:32:00 AM	1	1	2
3:33:00 AM	1		1
3:34:00 AM	2	1	3
3:35:00 AM		1	1
3:37:00 AM	2		2
3:38:00 AM	1		1
3:39:00 AM	1		1
3:40:00 AM	1	1	2
3:41:00 AM	1		1
3:42:00 AM	1	1	2

Pennington July 2012-Text

	Incoming	Outgoing	Grand Total
3:44:00 AM	2	1	3
3:45:00 AM		1	1
3:47:00 AM		1	1
3:51:00 AM		1	1
4:01:00 AM	1		1
4:02:00 AM	1		1
4:03:00 AM		1	1
4:06:00 AM	1		1
4:09:00 AM	1		1
4:10:00 AM	1		1
10:55:00 PM		1	1
11:30:00 PM	1		1
11:33:00 PM		1	1
11:39:00 PM	1		1
7/9/2012	**3**	**3**	**6**
[redacted]	**3**	**3**	**6**
12:58:00 AM		1	1
12:00:00 PM	1		1
2:50:00 PM		1	1
2:51:00 PM	1		1
2:57:00 PM	1		1
3:01:00 PM		1	1

207 TEXTS

Pennington August 2012-Text

	Incoming	Outgoing	Grand Total
8/3/2012	**6**	**7**	**13**
[redacted]	**6**	**7**	**13**
11:48:00 AM	1		1
11:49:00 AM	1	1	2
1:08:00 PM		1	1
1:18:00 PM	1		1
1:47:00 PM		1	1
3:04:00 PM		1	1
3:53:00 PM		1	1
3:54:00 PM	1		1
4:04:00 PM	1		1
5:42:00 PM		1	1
6:08:00 PM	1		1
6:13:00 PM		1	1
8/4/2012	**3**	**8**	**11**
[redacted]		1	1
8:01:00 PM		1	1
[redacted]	**3**	**7**	**10**
1:46:00 AM		1	1
12:35:00 PM	1		1
1:43:00 PM		1	1
5:33:00 PM		1	1
8:01:00 PM		1	1
8:46:00 PM	1		1
8:50:00 PM		1	1
10:54:00 PM	1		1
11:04:00 PM		1	1
11:07:00 PM		1	1
8/5/2012	**8**	**10**	**18**
[redacted]	**8**	**10**	**18**
12:00:00 AM		1	1
4:29:00 AM		1	1
4:30:00 AM	1		1
4:34:00 AM		1	1
4:35:00 AM	2		2
4:37:00 AM	1		1
5:41:00 PM		1	1
5:52:00 PM	1		1
5:56:00 PM	1	2	3
5:57:00 PM	2	1	3
5:58:00 PM		1	1
6:47:00 PM		1	1
8:52:00 PM		1	1

Pennington August 2012-Text

	Incoming/Outgoing/Grand Total		
8/6/2012	**3**	**4**	**7**
[redacted]	**3**	**4**	**7**
1:44:00 AM		1	1
1:53:00 AM	1		1
1:54:00 AM		1	1
1:55:00 AM	1		1
1:56:00 AM		1	1
1:59:00 AM	1		1
2:00:00 AM		1	1
8/10/2012	**5**	**4**	**9**
[redacted]	**5**	**4**	**9**
7:25:00 PM		1	1
7:26:00 PM	1		1
8:07:00 PM	1		1
8:41:00 PM		1	1
9:47:00 PM	1		1
9:52:00 PM		1	1
10:50:00 PM	1		1
10:58:00 PM		1	1
11:01:00 PM	1		1
8/11/2012	**18**	**23**	**41**
[redacted]	**18**	**23**	**41**
12:05:00 AM	1	1	2
12:08:00 AM		1	1
12:09:00 AM	1		1
1:59:00 AM		1	1
2:46:00 AM	1		1
5:19:00 AM		1	1
10:31:00 AM		2	2
11:33:00 AM	1		1
11:37:00 AM		1	1
2:20:00 PM		1	1
2:50:00 PM	1		1
3:33:00 PM		1	1
3:36:00 PM	1		1
4:10:00 PM		1	1
4:23:00 PM	2		2
4:59:00 PM		1	1
5:20:00 PM		1	1
6:42:00 PM	1		1
6:57:00 PM		1	1
7:07:00 PM		1	1
7:10:00 PM	1		1

Pennington August 2012-Text

	Incoming	Outgoing	Grand Total
7:15:00 PM		1	1
8:58:00 PM		1	1
9:16:00 PM	1		1
9:19:00 PM		1	1
10:43:00 PM	1		1
10:44:00 PM		1	1
10:45:00 PM	1		1
10:46:00 PM		1	1
10:47:00 PM	1		1
10:49:00 PM		1	1
10:50:00 PM	1		1
10:52:00 PM		1	1
10:56:00 PM	1		1
11:04:00 PM		1	1
11:05:00 PM	1	1	2
11:28:00 PM	1		1
8/12/2012	14	17	31
[redacted]	14	17	31
12:00:00 AM		1	1
1:34:00 AM		1	1
2:34:00 AM	1		1
11:27:00 AM	1		1
11:38:00 AM	1		1
11:51:00 AM		1	1
11:52:00 AM	1		1
11:54:00 AM		1	1
11:55:00 AM	1		1
11:56:00 AM		1	1
5:23:00 PM		1	1
5:51:00 PM	1		1
5:53:00 PM		1	1
5:54:00 PM	1	1	2
5:55:00 PM	1		1
5:56:00 PM	1	1	2
5:57:00 PM	1	1	2
6:11:00 PM		1	1
6:21:00 PM	1		1
6:22:00 PM	1	1	2
6:24:00 PM		1	1
6:27:00 PM	1	1	2
6:28:00 PM	1		1
6:31:00 PM		1	1
6:35:00 PM		1	1

Pennington August 2012-Text

		Incoming/Outgoing/Grand Total	
6:37:00 PM		1	1
8/13/2012	**8**	**8**	**16**
[redacted]	**8**	**8**	**16**
12:10:00 AM	1		1
12:52:00 AM		1	1
3:00:00 AM		1	1
3:47:00 AM	1		1
3:51:00 AM		1	1
4:04:00 AM		1	1
7:42:00 PM	1		1
7:57:00 PM		1	1
7:58:00 PM	2	1	3
7:59:00 PM	1		1
8:01:00 PM	2	1	3
8:02:00 PM		1	1
8/17/2012	**8**	**9**	**17**
[redacted]	**8**	**9**	**17**
10:35:00 AM	1		1
12:40:00 PM		1	1
1:38:00 PM	1		1
2:01:00 PM	1		1
6:04:00 PM	1		1
6:05:00 PM	1		1
6:06:00 PM		1	1
6:07:00 PM	1	1	2
7:09:00 PM		1	1
7:10:00 PM	1		1
7:12:00 PM		1	1
8:47:00 PM		1	1
9:26:00 PM	1		1
10:04:00 PM		1	1
10:50:00 PM		1	1
10:56:00 PM		1	1
8/18/2012	**6**	**7**	**13**
[redacted]		1	1
8:00:00 PM		1	1
[redacted]	**6**	**6**	**12**
1:56:00 AM	1		1
8:24:00 AM		1	1
8:33:00 AM		3	3
8:34:00 AM	1		1
8:35:00 AM	2		2
8:44:00 AM		1	1

Pennington August 2012-Text

	Incoming/Outgoing/Grand Total		
9:15:00 AM	1		1
9:17:00 AM	1		1
8:26:00 PM		1	1
8/19/2012	**14**	**18**	**32**
[redacted]	**14**	**18**	**32**
10:00:00 AM	1		1
12:33:00 PM	1		1
1:13:00 PM	1	1	2
1:18:00 PM		2	2
4:11:00 PM	1		1
4:23:00 PM	1	2	3
4:24:00 PM	2	1	3
4:25:00 PM	1	1	2
4:27:00 PM		1	1
4:29:00 PM		1	1
4:30:00 PM	1		1
4:32:00 PM	1	1	2
4:58:00 PM		2	2
5:25:00 PM	1		1
5:27:00 PM		1	1
5:30:00 PM	2		2
5:39:00 PM		1	1
5:40:00 PM		1	1
6:13:00 PM	1		1
6:22:00 PM		1	1
6:23:00 PM		1	1
9:55:00 PM		1	1
8/20/2012	**8**	**9**	**17**
[redacted]	**8**	**9**	**17**
5:55:00 AM		1	1
7:35:00 AM		1	1
7:39:00 AM	1		1
7:53:00 AM		1	1
8:57:00 AM	1		1
10:34:00 AM		1	1
10:36:00 AM		1	1
10:43:00 AM	1		1
10:44:00 AM		1	1
10:45:00 AM	1		1
10:46:00 AM	1	1	2
10:49:00 AM		1	1
10:50:00 AM	1		1
10:51:00 AM		1	1

Pennington August 2012-Text

	Incoming/Outgoing/Grand Total		
1:12:00 PM	1		1
4:17:00 PM	1		1
8/24/2012	**2**	**8**	**10**
[redacted]	**2**	**8**	**10**
10:20:00 AM	1		1
5:01:00 PM		1	1
7:40:00 PM	1		1
7:41:00 PM		1	1
8:02:00 PM		2	2
8:42:00 PM		1	1
9:14:00 PM		1	1
9:20:00 PM		1	1
10:25:00 PM		1	1
8/25/2012	**16**	**22**	**38**
[redacted]		1	1
6:28:00 PM		1	1
[redacted]	**16**	**21**	**37**
12:47:00 AM		1	1
2:20:00 AM	1		1
8:21:00 AM	1		1
9:29:00 AM		1	1
3:44:00 PM		1	1
3:46:00 PM	1		1
4:01:00 PM	1		1
4:12:00 PM		1	1
4:15:00 PM	1		1
4:20:00 PM		1	1
4:23:00 PM	2		2
4:27:00 PM		1	1
4:30:00 PM	1		1
4:33:00 PM	1		1
4:34:00 PM		1	1
4:50:00 PM	1		1
4:56:00 PM		1	1
6:11:00 PM	1		1
6:13:00 PM		1	1
6:17:00 PM		1	1
6:18:00 PM	1		1
6:20:00 PM		1	1
6:23:00 PM		1	1
7:07:00 PM		1	1
7:08:00 PM	1		1
7:10:00 PM		1	1

Pennington August 2012-Text

	Incoming/Outgoing/Grand Total		
7:13:00 PM		1	1
8:58:00 PM	1		1
9:06:00 PM		2	2
9:08:00 PM		1	1
9:17:00 PM		2	2
10:07:00 PM	1	1	2
10:10:00 PM	1		1
8/26/2012	**7**	**11**	**18**
[redacted]	**7**	**11**	**18**
2:28:00 AM		1	1
2:42:00 AM		1	1
5:27:00 PM	1	1	2
5:28:00 PM	1		1
5:30:00 PM		1	1
5:57:00 PM		1	1
6:01:00 PM	1	1	2
6:06:00 PM	1		1
8:25:00 PM		1	1
8:26:00 PM	1		1
8:27:00 PM		1	1
8:36:00 PM		1	1
8:37:00 PM	1		1
8:38:00 PM		1	1
8:39:00 PM	1		1
9:51:00 PM		1	1
8/27/2012	**24**	**20**	**44**
[redacted]		**1**	**1**
12:13:00 AM		1	1
[redacted]	**24**	**19**	**43**
12:18:00 AM	2		2
12:19:00 AM	1	1	2
12:22:00 AM		1	1
12:37:00 AM	1		1
5:54:00 PM	1		1
5:55:00 PM		1	1
5:56:00 PM	3		3
5:58:00 PM		2	2
6:13:00 PM		1	1
6:15:00 PM		1	1
6:25:00 PM	1		1
6:27:00 PM		1	1
6:28:00 PM	1		1
6:33:00 PM		2	2

Pennington August 2012-Text

	Incoming	Outgoing	Grand Total
6:42:00 PM	1	1	2
6:44:00 PM	1		1
6:51:00 PM		1	1
8:13:00 PM	1		1
8:36:00 PM	1	1	2
8:37:00 PM		1	1
8:38:00 PM	1	1	2
8:39:00 PM	1		1
8:44:00 PM		1	1
8:45:00 PM	1	1	2
8:46:00 PM	1		1
8:47:00 PM		1	1
8:48:00 PM	2		2
8:50:00 PM	1	1	2
8:54:00 PM	1		1
8:56:00 PM	1		1
8:57:00 PM	1		1
8/31/2012	**5**	**8**	**13**
[redacted]	**5**	**8**	**13**
12:12:00 PM		1	1
1:11:00 PM	1		1
1:15:00 PM	1		1
4:08:00 PM	1		1
5:12:00 PM		1	1
5:34:00 PM		2	2
6:29:00 PM		1	1
6:33:00 PM	1		1
8:22:00 PM		1	1
8:24:00 PM	1		1
8:25:00 PM		1	1
8:26:00 PM		1	1

136 TEXTS

Pennington September 2012-Text

	Incoming	Outgoing	Grand Total	
9/2/2012	**1**	**3**	**4**	[redacted]
[redacted]	**1**	**3**	**4**	
4:13:00 PM		1	1	
5:58:00 PM		1	1	
6:40:00 PM	1		1	
11:53:00 PM		1	1	
9/3/2012	**2**	**6**	**8**	
[redacted]	**2**	**6**	**8**	
12:13:00 AM	1	1	2	
12:17:00 AM	1		1	
12:18:00 AM		1	1	
7:46:00 AM		1	1	
7:56:00 AM		1	1	
12:58:00 PM		1	1	
4:44:00 PM		1	1	
9/7/2012	**18**	**20**	**38**	[redacted]
[redacted]		**1**	**1**	
5:10:00 PM		1	1	
[redacted]	**18**	**19**	**37**	
2:48:00 AM	2		2	
2:50:00 AM		1	1	
2:51:00 AM	1		1	
2:52:00 AM		1	1	
2:53:00 AM	1	1	2	
2:54:00 AM	1	1	2	
2:55:00 AM	2	1	3	
2:56:00 AM	1	1	2	
2:59:00 AM	1		1	
3:00:00 AM	1	1	2	
3:02:00 AM		1	1	
3:03:00 AM	1		1	
3:04:00 AM		1	1	
3:05:00 AM	1	1	2	
3:07:00 AM	1		1	
3:08:00 AM		2	2	
3:09:00 AM	2		2	
3:10:00 AM	1	1	2	
9:45:00 AM	1		1	
10:07:00 AM		1	1	
10:12:00 AM		1	1	
4:55:00 PM		1	1	
9:08:00 PM		1	1	
9:11:00 PM	1	1	2	

Pennington September 2012-Text

	Incoming/Outgoing/Grand Total		
9:59:00 PM		1	1
9/8/2012	15	15	30
[redacted]		1	1
4:59:00 PM		1	1
[redacted]	15	14	29
10:40:00 AM		1	1
1:57:00 PM	1		1
7:30:00 PM		1	1
7:41:00 PM		1	1
8:37:00 PM	1		1
9:16:00 PM		1	1
11:06:00 PM	1		1
11:07:00 PM		1	1
11:08:00 PM	1		1
11:09:00 PM		1	1
11:10:00 PM	1	1	2
11:11:00 PM	2		2
11:15:00 PM		1	1
11:38:00 PM		1	1
11:42:00 PM	1		1
11:44:00 PM	1		1
11:45:00 PM	2	1	3
11:46:00 PM	1	1	2
11:50:00 PM	1	1	2
11:51:00 PM	1		1
11:52:00 PM	1		1
11:53:00 PM		1	1
11:59:00 PM		1	1
9/9/2012	42	20	62
[redacted]	42	20	62
12:00:00 AM	1		1
12:04:00 AM	1		1
12:06:00 AM	1		1
12:07:00 AM		1	1
12:08:00 AM	1		1
12:09:00 AM	1		1
12:10:00 AM		1	1
12:11:00 AM	1		1
12:12:00 AM	1		1
12:13:00 AM	2	1	3
12:15:00 AM	1		1
12:19:00 AM	2		2
12:20:00 AM	2		2

Pennington September 2012-Text

	Incoming/Outgoing/Grand Total		
12:30:00 AM	1		1
12:31:00 AM		1	1
12:32:00 AM	2		2
12:34:00 AM	1		1
12:35:00 AM	1		1
12:53:00 AM		1	1
12:57:00 AM	1		1
2:01:00 AM		1	1
2:11:00 AM	2		2
2:12:00 AM	3		3
2:18:00 AM	1		1
2:19:00 AM		2	2
5:12:00 AM	3		3
5:15:00 AM		1	1
5:16:00 AM	1		1
5:17:00 AM		1	1
9:49:00 AM		1	1
10:05:00 AM	1		1
10:10:00 AM	1		1
10:17:00 AM	2		2
10:21:00 AM	1		1
10:31:00 AM	1		1
12:10:00 PM		1	1
12:13:00 PM	1		1
12:14:00 PM		1	1
12:29:00 PM	1		1
12:36:00 PM	1		1
12:38:00 PM	1		1
1:07:00 PM		1	1
1:08:00 PM	1		1
1:52:00 PM		1	1
7:36:00 PM		1	1
7:37:00 PM		1	1
7:49:00 PM		1	1
8:29:00 PM	1		1
8:30:00 PM		1	1
8:54:00 PM		1	1
9/10/2012	42	46	88
[redacted]	42	46	88
1:22:00 AM		1	1
1:40:00 AM	1	2	3
1:43:00 AM		2	2
1:44:00 AM	1		1

Pennington September 2012-Text

	Incoming	Outgoing	Grand Total
1:45:00 AM	1	1	2
1:46:00 AM	1	1	2
1:47:00 AM		1	1
1:48:00 AM	1		1
1:52:00 AM	1	1	2
1:58:00 AM	1	1	2
1:59:00 AM		1	1
12:04:00 PM	1		1
1:02:00 PM		1	1
4:41:00 PM	1		1
4:43:00 PM	1	1	2
4:44:00 PM	2	2	4
4:45:00 PM	1	1	2
4:47:00 PM	1	1	2
4:56:00 PM		1	1
5:44:00 PM		1	1
7:26:00 PM	1		1
7:46:00 PM	1		1
7:49:00 PM	1	1	2
7:50:00 PM	1	3	4
7:57:00 PM		1	1
8:02:00 PM		1	1
8:05:00 PM		1	1
8:07:00 PM	1		1
8:08:00 PM	2		2
8:11:00 PM		1	1
8:12:00 PM	1		1
8:19:00 PM	1		1
8:28:00 PM	1		1
8:32:00 PM	1		1
8:33:00 PM	1		1
8:47:00 PM	1		1
8:53:00 PM	4		4
8:56:00 PM	1		1
9:12:00 PM	1	2	3
9:13:00 PM	2	1	3
9:23:00 PM	1		1
10:14:00 PM		1	1
10:15:00 PM	1		1
10:16:00 PM		1	1
10:19:00 PM	1	1	2
10:36:00 PM		1	1
10:47:00 PM	1	1	2

Pennington September 2012-Text

	Incoming	Outgoing	Grand Total	
10:48:00 PM		2	2	
10:50:00 PM		1	1	
10:51:00 PM	1		1	
11:02:00 PM		2	2	
11:31:00 PM		1	1	
11:32:00 PM	1	1	2	
11:37:00 PM		1	1	
11:42:00 PM	1		1	
11:44:00 PM		1	1	
11:46:00 PM		1	1	
11:55:00 PM		1	1	
9/21/2012	**3**	**3**	**6**	[redacted]
[redacted]	**3**	**3**	**6**	
7:46:00 PM	1		1	
9:02:00 PM		1	1	
9:37:00 PM		1	1	
9:40:00 PM	1		1	
9:44:00 PM		1	1	
9:48:00 PM	1		1	
9/22/2012	**38**	**19**	**57**	[redacted]
[redacted]	**38**	**19**	**57**	
2:09:00 AM	1		1	
12:11:00 PM	1		1	
12:39:00 PM		1	1	
12:42:00 PM	1		1	
12:43:00 PM	1	1	2	
12:45:00 PM	1	1	2	
12:46:00 PM	1	1	2	
12:47:00 PM	1	1	2	
12:49:00 PM	1		1	
12:51:00 PM		1	1	
12:52:00 PM	1		1	
12:54:00 PM	1	1	2	
12:55:00 PM		1	1	
1:04:00 PM	1		1	
1:06:00 PM	1		1	
1:10:00 PM	1		1	
1:48:00 PM		1	1	
1:59:00 PM	1		1	
5:04:00 PM	1		1	
8:10:00 PM		1	1	
8:14:00 PM	1		1	
8:15:00 PM	1	1	2	

Pennington September 2012-Text

		Incoming/Outgoing/Grand Total	
8:29:00 PM		1	1
9:26:00 PM	1		1
9:27:00 PM		1	1
9:28:00 PM	1		1
9:29:00 PM	1		1
9:30:00 PM	2	1	3
9:31:00 PM		2	2
9:32:00 PM	1		1
9:37:00 PM	1		1
9:40:00 PM		1	1
9:44:00 PM	1		1
10:07:00 PM	1		1
10:10:00 PM	1		1
10:12:00 PM		1	1
10:23:00 PM	1		1
10:24:00 PM	1		1
10:32:00 PM	1		1
10:34:00 PM	2		2
10:53:00 PM	1		1
10:54:00 PM	1		1
11:18:00 PM	1		1
11:27:00 PM	1		1
11:28:00 PM		1	1
11:34:00 PM	1		1
11:36:00 PM	1		1
9/23/2012	26	20	46
[redacted]	26	20	46
12:05:00 AM	1		1
12:12:00 AM	2		2
12:14:00 AM	2		2
12:19:00 AM		1	1
12:20:00 AM	1		1
12:24:00 AM	1	1	2
12:26:00 AM	1	1	2
12:27:00 AM		1	1
12:29:00 AM	1		1
12:31:00 AM		1	1
12:34:00 AM	1		1
12:36:00 AM	1		1
12:37:00 AM	1	1	2
12:38:00 AM	1	1	2
12:40:00 AM	1	1	2
12:43:00 AM		1	1

Pennington September 2012-Text

	Incoming	Outgoing	Grand Total
12:44:00 AM	1		1
12:46:00 AM	1	1	2
12:49:00 AM	1	1	2
12:58:00 AM	1	1	2
12:59:00 AM	1	1	2
1:00:00 AM	1		1
1:10:00 AM	1		1
1:19:00 AM	1		1
1:23:00 AM		1	1
1:24:00 AM		1	1
1:41:00 AM	1		1
1:43:00 AM		1	1
1:44:00 AM	1		1
1:45:00 AM		1	1
1:46:00 AM		1	1
4:17:00 PM		1	1
4:49:00 PM	1		1
8:06:00 PM		1	1
10:39:00 PM	1		1

200 TEXTS

Pennington October 2012-Text

10/5/2012	**7**	**17**	**24**	[redacted]
[redacted]	**7**	**16**	**23**	
1:51:00 PM	1		1	
2:05:00 PM		1	1	
3:05:00 PM		1	1	
3:06:00 PM	1		1	
3:46:00 PM		1	1	
4:46:00 PM		1	1	
4:59:00 PM		1	1	
5:01:00 PM	1		1	
5:56:00 PM	1	1	2	
5:58:00 PM		1	1	
5:59:00 PM		1	1	
6:00:00 PM	1		1	
6:04:00 PM		1	1	
6:06:00 PM	1		1	
6:09:00 PM	1	2	3	
6:10:00 PM		1	1	
7:21:00 PM		1	1	
7:22:00 PM		1	1	
8:03:00 PM		1	1	
10:01:00 PM		1	1	
[redacted]		1	1	
3:02:00 PM		1	1	
10/6/2012	**1**	**3**	**4**	[redacted]
[redacted]		1	1	
8:10:00 PM		1	1	
[redacted]	1	2	3	
1:56:00 PM		1	1	
7:05:00 PM	1		1	
11:54:00 PM		1	1	
10/7/2012	**40**	**41**	**81**	[redacted]
[redacted]		1	1	
12:07:00 AM		1	1	
[redacted]	**40**	**40**	**80**	
3:27:00 AM		1	1	
4:06:00 AM	1		1	
12:12:00 PM		2	2	
12:13:00 PM	1		1	
12:15:00 PM		1	1	
12:16:00 PM	2	1	3	
12:17:00 PM	1	1	2	
12:18:00 PM	1		1	

12:19:00 PM		1	1
12:20:00 PM	1	1	2
12:22:00 PM	1		1
12:23:00 PM	1	1	2
12:24:00 PM		1	1
12:25:00 PM	1		1
12:26:00 PM		1	1
12:27:00 PM	1	1	2
12:28:00 PM	2	1	3
12:29:00 PM	1	1	2
12:32:00 PM		1	1
12:38:00 PM	1		1
12:39:00 PM		2	2
12:40:00 PM	1		1
12:41:00 PM		1	1
12:42:00 PM	1		1
12:43:00 PM		1	1
12:44:00 PM	2	2	4
12:45:00 PM	1	2	3
12:46:00 PM	1	1	2
12:47:00 PM		1	1
12:48:00 PM	1		1
12:54:00 PM	1		1
1:16:00 PM	1		1
2:30:00 PM	1		1
5:27:00 PM		1	1
5:28:00 PM	2	1	3
5:29:00 PM	1	2	3
5:30:00 PM		1	1
5:31:00 PM	1	1	2
5:32:00 PM	1		1
5:33:00 PM		1	1
5:34:00 PM	1		1
5:37:00 PM	1		1
5:40:00 PM		1	1
5:42:00 PM		1	1
5:43:00 PM	1		1
6:19:00 PM	1	2	3
6:20:00 PM	1	1	2
6:21:00 PM	1		1
6:22:00 PM		1	1
9:29:00 PM		1	1
9:33:00 PM	1		1

. Pennington October 2012-Text

9:35:00 PM	1		1
9:36:00 PM	1		1
11:03:00 PM	1		1
11:04:00 PM		1	1
10/8/2012	23	29	52
[redacted]	23	29	52
12:28:00 AM		1	1
12:29:00 AM	1		1
12:30:00 AM		1	1
12:31:00 AM	1	1	2
12:32:00 AM	1	3	4
12:33:00 AM	1	1	2
12:38:00 AM	1	1	2
12:39:00 AM	1		1
12:42:00 AM		1	1
12:45:00 AM	1	1	2
12:46:00 AM	1		1
10:09:00 AM		1	1
11:12:00 AM	1		1
11:45:00 AM		1	1
12:47:00 PM		1	1
1:16:00 PM	1		1
1:19:00 PM	1	1	2
1:22:00 PM	1		1
1:23:00 PM		1	1
1:24:00 PM	1		1
1:26:00 PM	1		1
1:29:00 PM	1	1	2
1:57:00 PM	1		1
3:47:00 PM		1	1
4:01:00 PM	1		1
6:12:00 PM		1	1
6:22:00 PM		2	2
6:23:00 PM	1		1
6:38:00 PM		1	1
6:42:00 PM		1	1
6:45:00 PM		1	1
6:47:00 PM	1		1
7:27:00 PM		1	1
7:28:00 PM	1		1
7:30:00 PM	1	2	3
7:31:00 PM	1	2	3
7:33:00 PM	1	1	2

Pennington October 2012-Text

10/19/2012	**6**	**13**	**19**	[redacted]
[redacted]		**3**	**3**	
6:19:00 PM		1	1	
6:23:00 PM		1	1	
7:18:00 PM		1	1	
[redacted]	**6**	**10**	**16**	
6:26:00 PM	1		1	
6:30:00 PM		2	2	
6:32:00 PM		1	1	
6:33:00 PM	2		2	
6:39:00 PM		1	1	
6:48:00 PM	1		1	
7:22:00 PM		1	1	
8:00:00 PM		1	1	
8:09:00 PM	1		1	
8:11:00 PM	1	2	3	
8:16:00 PM		1	1	
8:31:00 PM		1	1	
10/20/2012	**4**	**8**	**12**	[redacted]
[redacted]	**4**	**8**	**12**	
2:12:00 AM	1		1	
5:06:00 AM		1	1	
2:08:00 PM		1	1	
2:09:00 PM	1		1	
2:13:00 PM		1	1	
2:14:00 PM	1	1	2	
9:04:00 PM		1	1	
10:09:00 PM		1	1	
11:31:00 PM		1	1	
11:32:00 PM	1	1	2	
10/21/2012	**3**	**8**	**11**	[redacted]
[redacted]		**1**	**1**	
9:42:00 PM		1	1	
[redacted]	**3**	**7**	**10**	
2:45:00 PM		1	1	
2:49:00 PM	1		1	
4:49:00 PM		1	1	
8:42:00 PM		1	1	
9:08:00 PM		1	1	
9:20:00 PM		1	1	
11:10:00 PM	1		1	
11:33:00 PM	1		1	
11:34:00 PM		1	1	

11:35:00 PM		1	1
10/22/2012	**11**	**18**	**29**
[redacted]	**11**	**18**	**29**
12:09:00 AM	1		1
12:10:00 AM		1	1
12:11:00 AM	1	1	2
12:12:00 AM	1	1	2
12:13:00 AM	1	1	2
12:14:00 AM	2		2
12:15:00 AM	1	1	2
12:16:00 AM	1	1	2
12:17:00 AM		1	1
12:18:00 AM		1	1
12:21:00 AM		1	1
12:22:00 AM	1		1
12:24:00 AM		1	1
12:27:00 AM		1	1
12:40:00 AM		1	1
1:26:00 AM	1		1
1:28:00 AM		1	1
4:15:00 AM		1	1
4:23:00 AM		1	1
6:12:00 AM	1		1
10:19:00 AM		1	1
6:10:00 PM		1	1
6:50:00 PM		1	1
10/26/2012		**4**	**4**
[redacted]		**4**	**4**
4:54:00 PM		2	2
4:55:00 PM		1	1
11:31:00 PM		1	1
10/27/2012	**7**	**10**	**17**
[redacted]	**7**	**10**	**17**
1:33:00 AM		1	1
1:59:00 AM	1		1
2:14:00 AM		1	1
7:17:00 AM		1	1
7:26:00 AM	1	2	3
4:38:00 PM		1	1
4:39:00 PM		1	1
4:41:00 PM	1		1
7:30:00 PM		1	1
7:31:00 PM	1		1

Pennington October 2012-Text

10:55:00 PM		1	1
10:56:00 PM	3		3
11:02:00 PM		1	1
10/28/2012	13	21	34
[redacted]	13	21	34
12:37:00 AM		1	1
12:50:00 AM		2	2
2:47:00 PM	1		1
2:50:00 PM	1		1
2:51:00 PM	1	1	2
2:52:00 PM	2	1	3
2:54:00 PM		1	1
2:55:00 PM	1	1	2
2:56:00 PM	1	1	2
2:59:00 PM		1	1
3:00:00 PM		1	1
3:03:00 PM	1	1	2
3:04:00 PM	2	1	3
3:06:00 PM	2		2
3:07:00 PM	1		1
3:12:00 PM		1	1
3:15:00 PM		1	1
3:16:00 PM		2	2
3:48:00 PM		2	2
9:38:00 PM		1	1
9:57:00 PM		1	1
10:51:00 PM		1	1

[redacted]

104 TEXTS

Pennington November 2012-Text

11/2/2012	60	61	121	[redacted]
[redacted]	60	61	121	
1:42:00 AM	1		1	
7:36:00 AM		1	1	
7:38:00 AM	1		1	
7:39:00 AM		1	1	
7:43:00 AM		2	2	
7:46:00 AM		1	1	
7:54:00 AM		1	1	
7:55:00 AM	1		1	
7:56:00 AM		2	2	
7:57:00 AM		1	1	
8:11:00 AM	1		1	
8:20:00 AM		2	2	
8:40:00 AM		1	1	
10:57:00 AM	1		1	
11:07:00 AM		1	1	
11:25:00 AM	1		1	
11:26:00 AM		1	1	
11:40:00 AM	1		1	
11:50:00 AM		1	1	
11:52:00 AM		1	1	
11:53:00 AM	1		1	
11:54:00 AM	1	1	2	
11:55:00 AM	1	1	2	
11:57:00 AM	1		1	
11:58:00 AM	1	1	2	
11:59:00 AM	1		1	
12:00:00 PM		1	1	
12:01:00 PM	1		1	
12:02:00 PM	1	1	2	
12:03:00 PM	1	1	2	
12:04:00 PM	2		2	
12:05:00 PM	2	1	3	
12:06:00 PM	2		2	
12:08:00 PM	2	2	4	
12:09:00 PM	1		1	
12:12:00 PM	1	2	3	
12:13:00 PM		1	1	
12:15:00 PM	1	3	4	
12:17:00 PM	1		1	
12:28:00 PM	1		1	
12:30:00 PM	1	1	2	

12:31:00 PM	1		1
12:34:00 PM	1		1
12:35:00 PM	1	1	2
12:36:00 PM	2		2
12:39:00 PM	1	3	4
12:47:00 PM	1		1
12:51:00 PM	1		1
12:52:00 PM	1	2	3
12:53:00 PM	1		1
1:02:00 PM	1		1
1:04:00 PM	1		1
2:40:00 PM		1	1
2:42:00 PM		1	1
2:47:00 PM		1	1
3:43:00 PM	1		1
3:50:00 PM		1	1
3:53:00 PM	1		1
6:23:00 PM		2	2
6:24:00 PM	1	1	2
6:25:00 PM	2		2
6:26:00 PM	1	1	2
6:27:00 PM	1		1
6:28:00 PM	1		1
6:32:00 PM	1	1	2
6:58:00 PM	1		1
7:03:00 PM		1	1
7:05:00 PM	1		1
8:41:00 PM		1	1
8:54:00 PM		1	1
9:08:00 PM	1		1
9:11:00 PM	1		1
9:12:00 PM	1		1
9:13:00 PM		1	1
9:14:00 PM	1		1
9:16:00 PM		3	3
9:17:00 PM		1	1
9:21:00 PM		1	1
9:22:00 PM	1		1
9:23:00 PM		2	2
10:12:00 PM	1		1
10:13:00 PM	1	1	2
10:14:00 PM		1	1
10:22:00 PM		1	1

Pennington November 2012-Text

11/3/2012	**2**		**2**
[redacted]	**1**		**1**
8:48:00 PM	1		1
[redacted]	**1**		**1**
1:41:00 AM	1		1
11/9/2012		**4**	**4**
[redacted]		**4**	**4**
9:44:00 AM		1	1
10:59:00 AM		1	1
9:10:00 PM		1	1
9:11:00 PM		1	1
11/10/2012	**8**	**12**	**20**
[redacted]		**1**	**1**
1:03:00 PM		1	1
[redacted]	**8**	**11**	**19**
12:12:00 AM		1	1
12:13:00 AM	1		1
12:16:00 AM		1	1
12:17:00 AM	1		1
12:23:00 AM		1	1
1:12:00 AM	1		1
3:17:00 AM	1	1	2
3:18:00 AM		1	1
3:19:00 AM	1		1
3:20:00 AM	1	1	2
3:21:00 AM		1	1
3:22:00 AM	1	1	2
3:23:00 AM		1	1
7:26:00 PM		1	1
7:28:00 PM		1	1
8:16:00 PM	1		1
11/11/2012	**4**	**8**	**12**
[redacted]	**4**	**8**	**12**
2:57:00 AM	1		1
6:50:00 AM		1	1
6:32:00 PM	2		2
6:33:00 PM		1	1
6:55:00 PM		2	2
8:30:00 PM		1	1
8:32:00 PM		1	1
9:05:00 PM		1	1
11:00:00 PM		1	1
11:45:00 PM	1		1

Pennington November 2012-Text

11/12/2012	46	51	97
[redacted]	46	51	97
12:00:00 AM		1	1
1:15:00 AM		1	1
1:18:00 AM		1	1
1:37:00 AM		1	1
3:01:00 AM	1		1
3:04:00 AM	1		1
4:42:00 AM		1	1
4:43:00 AM	1		1
4:44:00 AM	2	1	3
4:47:00 AM	1		1
4:51:00 AM		2	2
4:53:00 AM	1		1
4:54:00 AM	1	1	2
4:55:00 AM	1	1	2
4:56:00 AM		1	1
4:57:00 AM	1	1	2
4:58:00 AM		1	1
6:58:00 AM		1	1
9:52:00 AM	2	1	3
9:53:00 AM	1		1
9:54:00 AM	1	1	2
9:56:00 AM	2		2
10:01:00 AM	1		1
10:13:00 AM	1	1	2
10:14:00 AM	2		2
10:15:00 AM		1	1
10:16:00 AM	1	1	2
10:17:00 AM		1	1
10:18:00 AM	2	1	3
10:19:00 AM		1	1
10:20:00 AM	1	1	2
10:21:00 AM	1	1	2
10:22:00 AM	1	1	2
10:23:00 AM	1	1	2
10:24:00 AM		1	1
10:25:00 AM	1	1	2
10:28:00 AM	1	1	2
10:31:00 AM	1	3	4
10:32:00 AM	2		2
10:35:00 AM		2	2
10:36:00 AM		1	1

10:38:00 AM		2	2
10:41:00 AM	2	1	3
10:42:00 AM	1		1
10:43:00 AM	2	1	3
10:44:00 AM	1	1	2
11:10:00 AM	1	1	2
11:11:00 AM		1	1
11:12:00 AM	1	1	2
11:13:00 AM	1	1	2
11:16:00 AM		2	2
11:26:00 AM	1		1
11:27:00 AM	1		1
11:30:00 AM	1		1
11:37:00 AM		1	1
11:42:00 AM		1	1
11:44:00 AM	1		1
11:45:00 AM		1	1
11:46:00 AM	1	1	2
12:03:00 PM		1	1

84 TEXTS

Pennington April-December 2012 Voice

	Column Labels					
	Count of Number		Sum of Minutes		Total Count of Number	Total Sum of Minute
Row Labels	Incoming	Outgoing	Incoming	Outgoing		
4/20/2012	2	1	2	2	3	4
[redacted]	2	1	2	2	3	4
12:53:00 PM	1		1		1	1
1:11:00 PM	1		1		1	1
8:41:00 PM		1		2	1	2
4/21/2012	3	1	13	1	4	14
[redacted]	3	1	13	1	4	14
7:32:00 AM	1		7		1	7
12:29:00 PM		1		1	1	1
12:40:00 PM	1		3		1	3
2:15:00 PM	1		3		1	3
4/22/2012	1	1	2	1	2	3
[redacted]	1	1	2	1	2	3
2:43:00 AM		1		1	1	1
7:18:00 PM	1		2		1	2
5/4/2012	1		6		1	6
[redacted]	1		6		1	6
9:07:00 PM	1		6		1	6
5/5/2012		1		4	1	4
[redacted]		1		4	1	4
10:32:00 PM		1		4	1	4
5/6/2012		2		14	2	14
[redacted]		2		14	2	14
6:45:00 PM		1		3	1	3
10:05:00 PM		1		11	1	11
5/11/2012	1	1	3	1	2	4
[redacted]	1	1	3	1	2	4
2:17:00 PM		1		1	1	1
8:33:00 PM	1		3		1	3
5/13/2012		1		1	1	1
[redacted]		1		1	1	1
5:57:00 PM		1		1	1	1
5/18/2012	2	1	10	2	3	12
[redacted]	2	1	10	2	3	12
12:54:00 PM	1		8		1	8
2:39:00 PM	1		2		1	2
3:08:00 PM		1		2	1	2

Pennington April-December 2012 Voice

5/25/2012	**2**	**1**	**14**	**1**	**3**	**15**
[redacted]	**2**	**1**	**14**	**1**	**3**	**15**
3:50:00 PM	1		10		1	10
6:57:00 PM		1		1	1	1
7:21:00 PM	1		4		1	4
5/27/2012		**1**		**12**	**1**	**12**
[redacted]		**1**		**12**	**1**	**12**
5:23:00 PM		1		12	1	12
6/2/2012	**1**	**1**	**1**	**1**	**2**	**2**
[redacted]	**1**	**1**	**1**	**1**	**2**	**2**
10:27:00 AM		1		1	1	1
10:37:00 AM	1		1		1	1
6/8/2012	**1**	**1**	**26**	**6**	**2**	**32**
[redacted]	**1**	**1**	**26**	**6**	**2**	**32**
9:31:00 AM	1		26		1	26
2:26:00 PM		1		6	1	6
6/9/2012	**3**	**2**	**17**	**9**	**5**	**26**
[redacted]	**3**	**2**	**17**	**9**	**5**	**26**
1:23:00 AM		1		7	1	7
7:23:00 AM	1		1		1	1
4:25:00 PM	1		10		1	10
6:35:00 PM	1		6		1	6
10:58:00 PM		1		2	1	2
6/10/2012	**1**		**4**		**1**	**4**
[redacted]	**1**		**4**		**1**	**4**
6:37:00 PM	1		4		1	4
6/29/2012	**5**	**2**	**28**	**7**	**7**	**35**
[redacted]	**5**	**2**	**28**	**7**	**7**	**35**
8:31:00 AM	1		3		1	3
9:25:00 AM	1		2		1	2
2:49:00 PM	1		1		1	1
6:43:00 PM		1		2	1	2
6:57:00 PM	1		2		1	2
10:41:00 PM		1		5	1	5
11:10:00 PM	1		20		1	20
6/30/2012	**1**		**11**		**1**	**11**
[redacted]	**1**		**11**		**1**	**11**
1:53:00 AM	1		11		1	11
7/6/2012	**7**	**5**	**39**	**24**	**12**	**63**
[redacted]	**7**	**5**	**39**	**24**	**12**	**63**
10:53:00 AM	1		6		1	6
10:58:00 AM	1		13		1	13

Pennington April-December 2012 Voice

11:46:00 AM	1		1		1	1
11:57:00 AM		1		1	1	1
12:03:00 PM		1		18	1	18
12:32:00 PM	1	1	9	1	2	10
12:59:00 PM	1		1		1	1
1:11:00 PM	1		2		1	2
3:33:00 PM	1		7		1	7
4:58:00 PM		1		1	1	1
7:40:00 PM		1		3	1	3
7/7/2012	3		8		3	8
[redacted]	3		8		3	8
12:27:00 AM	1		5		1	5
7:06:00 AM	1		1		1	1
4:46:00 PM	1		2		1	2
7/8/2012	2		17		2	17
[redacted]	2		17		2	17
4:41:00 AM	1		14		1	14
4:32:00 PM	1		3		1	3
8/3/2012	3	1	11	1	4	12
[redacted]	3	1	11	1	4	12
7:14:00 PM		1		1	1	1
7:34:00 PM	1		2		1	2
8:57:00 PM	1		8		1	8
9:12:00 PM	1		1		1	1
8/4/2012	4		25		4	25
[redacted]	4		25		4	25
6:40:00 PM	1		6		1	6
7:56:00 PM	1		1		1	1
9:11:00 PM	2		18		2	18
8/5/2012	1	1	6	1	2	7
[redacted]	1	1	6	1	2	7
11:49:00 AM		1		1	1	1
6:52:00 PM	1		6		1	6
8/10/2012	1		1		1	1
[redacted]	1		1		1	1
8:44:00 AM	1		1		1	1
8/11/2012	1	1	3	3	2	6
[redacted]	1	1	3	3	2	6
3:48:00 AM		1		3	1	3
8:30:00 PM	1		3		1	3
8/12/2012	4		33		4	33
[redacted]	4		33		4	33

Pennington April-December 2012 Voice

12:27:00 AM	1		14		1	14
12:43:00 AM	1		14		1	14
11:47:00 AM	1		2		1	2
8:38:00 PM	1		3		1	3
8/19/2012	1		6		1	6
[redacted]	1		6		1	6
8:08:00 PM	1		6		1	6
8/21/2012		1		1	1	1
8/24/2012	1	2	1	2	3	3
[redacted]	1	2	1	2	3	3
8:13:00 AM		1		1	1	1
6:37:00 PM	1		1		1	1
11:14:00 PM		1		1	1	1
8/25/2012	3		7		3	7
[redacted]	3		7		3	7
6:50:00 PM	1		4		1	4
9:47:00 PM	1		2		1	2
9:50:00 PM	1		1		1	1
8/26/2012	1		1		1	1
[redacted]	1		1		1	1
6:52:00 AM	1		1		1	1
8/27/2012	2		3		2	3
[redacted]	2		3		2	3
6:22:00 AM	1		2		1	2
7:13:00 AM	1		1		1	1
8/31/2012	2	6	8	15	8	23
[redacted]	2	6	8	15	8	23
1:18:00 PM		1		2	1	2
5:31:00 PM		1		1	1	1
5:39:00 PM		1		1	1	1
5:40:00 PM		1		2	1	2
5:47:00 PM		1		1	1	1
6:40:00 PM	1		4		1	4
8:31:00 PM	1		4		1	4
10:48:00 PM		1		8	1	8
9/2/2012	2	1	8	4	3	12
[redacted]	2	1	8	4	3	12
4:38:00 PM	1		1		1	1
4:39:00 PM		1		4	1	4
6:47:00 PM	1		7		1	7
9/8/2012		2		2	2	2
[redacted]		2		2	2	2

Pennington April-December 2012 Voice

6:34:00 AM		1		1	1	1
8:39:00 PM		1		1	1	1
9/9/2012	4	5	7	23	9	30
[redacted]	4	5	7	23	9	30
12:22:00 AM		1		2	1	2
12:23:00 AM		1		2	1	2
1:58:00 AM		1		2	1	2
2:16:00 AM	1		2		1	2
6:07:00 PM	1		1		1	1
9:03:00 PM	1		1		1	1
9:29:00 PM		1		1	1	1
9:47:00 PM	1		3		1	3
10:35:00 PM		1		16	1	16
9/21/2012	2	1	3	1	3	4
[redacted]	2	1	3	1	3	4
11:19:00 AM		1		1	1	1
6:37:00 PM	1		1		1	1
7:02:00 PM	1		2		1	2
10/5/2012	5	1	9	1	6	10
[redacted]	5	1	9	1	6	10
11:59:00 AM	1		2		1	2
2:04:00 PM	1		1		1	1
3:01:00 PM		1		1	1	1
3:20:00 PM	1		2		1	2
3:46:00 PM	1		3		1	3
6:29:00 PM	1		1		1	1
10/6/2012		2		3	2	3
[redacted]		2		3	2	3
7:36:00 PM		1		2	1	2
9:03:00 PM		1		1	1	1
10/7/2012		1		1	1	1
[redacted]		1		1	1	1
9:05:00 PM		1		1	1	1
10/21/2012		1		1	1	1
[redacted]		1		1	1	1
9:06:00 PM		1		1	1	1
10/26/2012	4	2	12	3	6	15
[redacted]	4	2	12	3	6	15
11:42:00 AM	1		2		1	2
11:57:00 AM	1		1		1	1
4:52:00 PM		1		1	1	1
4:55:00 PM	1		7		1	7

Pennington April-December 2012 Voice

6:37:00 PM	1		2		1	2
10:05:00 PM		1		2	1	2
10/28/2012		1		2	1	2
[redacted]		1		2	1	2
7:43:00 PM		1		2	1	2
11/2/2012	7	1	31	1	8	32
[redacted]	7	1	31	1	8	32
7:59:00 AM	1		7		1	7
8:12:00 AM	1		6		1	6
8:36:00 AM		1		1	1	1
3:31:00 PM	1		8		1	8
6:49:00 PM	1		2		1	2
7:05:00 PM	1		2		1	2
9:08:00 PM	1		2		1	2
11:12:00 PM	1		4		1	4
11/9/2012	2	3	2	5	5	7
[redacted]	2	3	2	5	5	7
11:15:00 AM		1		1	1	1
4:52:00 PM	1		1		1	1
4:59:00 PM		1		3	1	3
5:11:00 PM	1		1		1	1
7:04:00 PM		1		1	1	1

272 mins

Pennington Work Days 2012

*****9 Month time frame******

62 days total patrol

70 days total including light duty

(9) April- 6,7,8,13,14,15,20,21,22

(9) May- 4,5,6,11,12,13,18,25,27

(8) June- 1,2,3,8,9,10,29,30

(4) July- 1,6,7,8

(12)August- 3,4,5,10,11,12,17,19,24,25,26,31

(7) September- 2,7,8,9,21,22,23

(9) October- 5,6,7,19,20,21,26,27,28

(4) November- 2,9,10,11

OJI- November 23- December 10

(8) Light Duty- December- 14,15,21,22,23,28,29,30

USAA FEDERAL SAVINGS BANK

KYLE W PENNINGTON OR
[redacted]

ACCOUNT NUMBER
4 [redacted]
01 STATEMENT DATE
07/31/12

BALANCE LAST STATEMENT	NO OF DEBITS PAID	TOTAL AMOUNT OF DEBITS PAID	NO. OF DEP	TOTAL AMOUNT OF DEPOSITS MADE	SERVICE CHARGES	BALANCE THIS STATEMENT
3,760.83	130	9,516.14	12	23,069.30	.00	17,313.99

Please examine immediately and report if incorrect. If no report is received within 60 days, the account will be considered correct.

	TOTAL NONSUFFICIENT FUNDS (NSF) FEES	TOTAL OVERDRAFT (OD) FEES
This Statement	0.00	0.00
This Year's Statements	116.00	75.00

Note: Fee reversals/refunds made by USAA will not reduce the totals on this chart.

OTHER DEBITS

DATE	AMOUNT	TRANSACTION DESCRIPTION		
07/12	24.50	DEBIT CARD PURCHASE	071212	
		[redacted]	[redacted]	CA
07/12	26.95	DEBIT CARD PURCHASE	071112	
		[redacted]	[redacted]	CA
07/12	32.53	DEBIT CARD PURCHASE	071112	
		[redacted]	[redacted]	CA
07/12	40.93	DEBIT CARD PURCHASE	071112	
		[redacted]	[redacted]	CA
07/12	54.58	DEBIT CARD PURCHASE	071112	
		[redacted]	[redacted]	CA
07/12	70.62	DEBIT CARD PURCHASE	071212	
		[redacted]	[redacted]	CA
07/13	24.28	DEBIT CARD PURCHASE	071212	
		[redacted]	[redacted]	CA
07/13	103.00	ATM DB NONLOCAL	071312	
		[redacted]	[redacted]	CA
07/16	13.00	DEBIT CARD PURCHASE	071412	
		[redacted]	[redacted]	CA
07/16	13.04	POS DEBIT	071512	
		VONS 2116	SAN DIEGO	CA
07/16	14.00	DEBIT CARD PURCHASE	071412	
		PB BAR AND GRIL	SAN DIEGO	CA
07/16	20.69	DEBIT CARD PURCHASE	071512	
		EINSTEIN BROS B	SAN DIEGO	CA
07/16	22.96	DEBIT CARD PURCHASE	071412	
		DENNY'S #8177	LAKE FOREST	CA
07/16	33.16	POS DEBIT	071412	
		CVS 09937	SAN DIEGO	CA
07/16	34.43	DEBIT CARD PURCHASE	071412	
		CHEVRON 0309446	LEBEC	CA

FDIC INSURED

USAA FEDERAL SAVINGS BANK

KYLE W PENNINGTON OR
[redacted]

ACCOUNT NUMBER
6 [redacted]
01 STATEMENT DATE
04/30/12

BALANCE LAST STATEMENT	NO OF DEBITS PAID	TOTAL AMOUNT OF DEBITS PAID	NO. OF DEP	TOTAL AMOUNT OF DEPOSITS MADE	SERVICE CHARGES	BALANCE THIS STATEMENT
9,694.19	151	16,476.07	17	12,111.16	8.00	5,321.28

Please examine immediately and report if incorrect. If no report is received within 60 days, the account will be considered correct.

	TOTAL NONSUFFICIENT FUNDS (NSF) FEES	TOTAL OVERDRAFT (OD) FEES
This Statement	29.00	25.00
This Year's Statements	58.00	50.00

Note: Fee reversals/refunds made by USAA will not reduce the totals on this chart.

OTHER DEBITS

DATE	AMOUNT	TRANSACTION DESCRIPTION		
04/25	50.56	DEBIT CARD PURCHASE	042512	
		[redacted]	[redacted]	CA
04/26	20.06	DEBIT CARD PURCHASE	042612	
		[redacted]	[redacted]	CA
04/26	38.86	DEBIT CARD PURCHASE	042612	
		[redacted]	[redacted]	CA
04/26	77.81	DEBIT CARD PURCHASE	042612	
		[redacted]	[redacted]	CA
04/26	203.00	ATM DB NONLOCAL	042612	
		[redacted]	[redacted]	CA
04/27	9.83	DEBIT CARD PURCHASE	042712	
		[redacted]	[redacted]	CA
04/27	18.83	POS DEBIT	042712	
		[redacted]	[redacted]	CA
04/27	20.48	DEBIT CARD PURCHASE	042712	
		[redacted]	[redacted]	CA
04/27	60.94	DEBIT CARD PURCHASE	042712	
		[redacted]	[redacted]	CA
04/27	62.98	POS DEBIT	042712	
		TARGET T1834 UPLAND	UPLAND	CA
04/30	6.27	DEBIT CARD PURCHASE	043012	
		[redacted]	[redacted]	CA
04/30	7.20	DEBIT CARD PURCHASE	042912	
		STARBUCKS CORP00101816	SAN DIEGO	CA
04/30	13.75	DEBIT CARD PURCHASE	043012	
		THE BULLPEN	SAN DIEGO	CA
04/30	20.37	DEBIT CARD PURCHASE	042912	
		VALENTINES MEXICAN	SAN DIEGO	CA
04/30	25.25	DEBIT CARD PURCHASE	043012	
		THE BULLPEN	SAN DIEGO	CA

FDIC INSURED

USAA FEDERAL SAVINGS BANK

KYLE W PENNINGTON OR
[redacted]

ACCOUNT NUMBER
6 [redacted]
01 STATEMENT DATE
04/30/12

BALANCE LAST STATEMENT	NO OF DEBITS PAID	TOTAL AMOUNT OF DEBITS PAID	NO. OF DEP	TOTAL AMOUNT OF DEPOSITS MADE	SERVICE CHARGES	BALANCE THIS STATEMENT
9,694.19	151	16,476.07	17	12,111.16	8.00	5,321.28

Please examine immediately and report if incorrect. If no report is received within 60 days, the account will be considered correct.

	TOTAL NONSUFFICIENT FUNDS (NSF) FEES	TOTAL OVERDRAFT (OD) FEES
This Statement	29.00	25.00
This Year's Statements	58.00	50.00

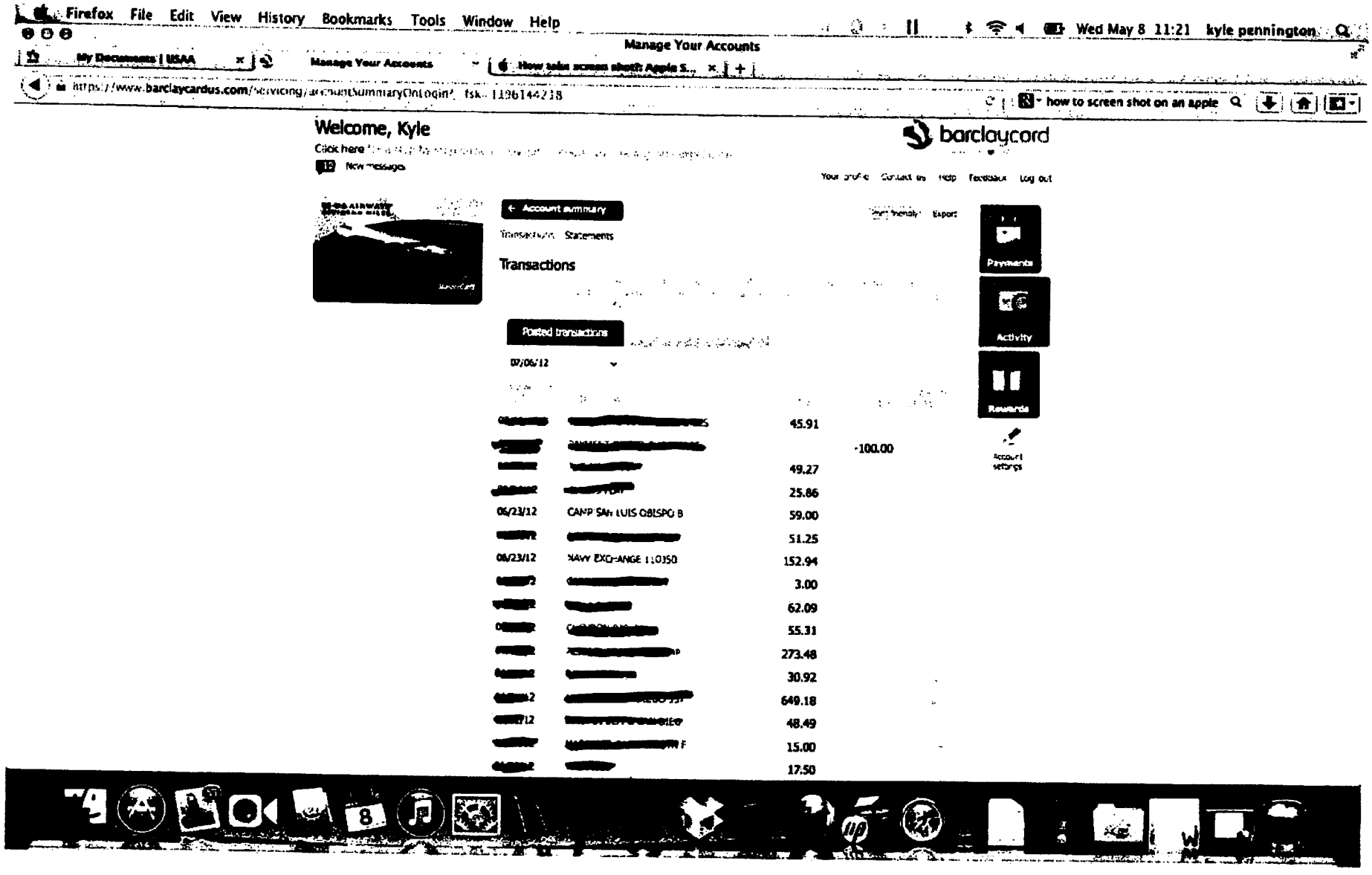
Note: Fee reversals/refunds made by USAA will not reduce the totals on this chart.

OTHER DEBITS

DATE	AMOUNT	TRANSACTION DESCRIPTION		
04/30	30.25	DEBIT CARD PURCHASE	043012	
		THE BULLPEN	SAN DIEGO	CA
04/30	39.24	DEBIT CARD PURCHASE	043012	
		SAN DIEGO DISPATCH	SAN DIEGO	CA
04/30	44.50	DEBIT CARD PURCHASE	042912	
		SHELL OIL 574427099QPS	ESCONDIDO	CA
04/30	46.00	DEBIT CARD PURCHASE	043012	
		QUALITY SOCIAL	SAN DEIGO	CA
04/30	103.00	ATM DB NONLOCAL	043012	
		[redacted]A	[redacted]D	CA
04/30	106.00	ATM DB NONLOCAL	043012	
		8105 CLARIEMONT MESA B	SAN DIEGO	CA
04/30	163.00	ATM DB NONLOCAL	043012	
		530 BROADWAY	SAN DIEGO	CA
04/30	300.00	USAA FUNDS TRANSFER DB		
04/30	306.00	ATM DB NONLOCAL	043012	
		8105 CLARIEMONT MESA B	SAN DIEGO	CA
04/30	349.09	POS DEBIT	042912	
		[redacted]	[redacted]	CA
04/30	8.00	ATM SERVICE FEE		

FOREIGN TRANSACTION FEES INCURRED THIS CYCLE 0.10

FDIC INSURED


Firefox File Edit View History Bookmarks Tools Window Help
Wed May 8 11:21 kyle pennington
Manage Your Accounts
Manage Your Accounts
how to screen shot on an apple
Welcome, Kyle
barclaycard
Account summary
Statements
Transactions
Posted transactions
Payments
Activity
Rewards
45.91
-100.00
49.27
25.86
06/23/12 CAMP SAN LUIS OBISPO B 59.00
51.25
06/23/12 NAVY EXCHANGE 110350 152.94
3.00
62.09
55.31
273.48
30.92
649.18
48.49
15.00
17.50

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF FRESNO

WIRELESS IMEI NUMBERS: [redacted] SUBSCRIBED THROUGH AT&T Wireless (Cingular Wireless)	COURT ORDER AUTHORIZING SUBSCRIBER, CALL DETAIL RECORDS AND/OR CELL SITE INFORMATION.

ORDER

IT IS ORDERED that AT&T Wireless/Cingular, shall provide any and all information related to any and all subscriber, call details and cell tower information for the air card assigned international mobile equipment identifier (IMEI) # [redacted] Such information shall include, but not be limited to, call detail records, cell tower logs and cell site/sector information, starting from **04/01/2012** and continuing thru to **01/31/2013.**

Subscribed to and sworn before me this 9th day of April, 2013 at 2^02 ~~A.M.~~ [P.M]

[redacted]

Honorable Judge of the Superior Court
Fresno, California

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF FRESNO

WIRELESS IMEI NUMBERS: [redacted] SUBSCRIBED THROUGH AT&T Wireless (Cingular Wireless)	*AFFIDAVIT* FOR COURT ORDER AUTHORIZING SUBSCRIBER, CALL DETAIL RECORDS AND/OR CELL SITE / LOCATION INFORMATION

The Clovis Police Department hereby applies for an Order authorizing subscriber, call detail records and or cell site information associated with a air card assigned international mobile equipment identifier (IMEI) # [redacted].

This application is based on the attached Affidavit of Clovis Police Department Officer [redacted]; I have been a sworn police officer with Clovis Police Department since July 2006. I was promoted to the rank of Police Corporal in July 2012. Prior to becoming a sworn police officer, I successfully completed the POST Basic Police Academy where I completed over 900 hours of specialized training. I have a Basic, Intermediate, and Advanced POST Certificate. I have a Bachelor of Science and a Master of Science Degree from California State University, Fresno in Criminology.

The following is a sample of some of my training and assignments. I have received standardized departmental training, and have been trained on a monthly basis with regard to the Penal Code, Vehicle Code, Health and Safety Code, Welfare and Institutions Code, Business and Professions Code, Government Code and the Municipal Code of the City of Clovis. I have assisted in writing, written and have served search warrants.

My assignments have included Patrol Officer, Field Training Officer, Detective and Watch Commander. I have investigated numerous crimes against persons and property, including: sexual assaults, sexual batteries, felony and misdemeanor batteries and assaults, robberies, burglaries, grand thefts, petty thefts, narcotic offenses, fraud and internal affairs investigation. I have conducted numerous investigations and have arrested numerous suspects in connection with various Vehicle Code, Penal Code, Health and Safety Code, Welfare and Institution Code and Juvenile Law violations. I have processed numerous crime scenes and collected various items of evidence and preserved evidence for use in identifying suspects, victims, involved parties and property. I have also prepared and used photo line-ups numerous times to identify suspects. I am currently assigned to the Patrol Division.

AFFIDAVIT

A "Call Detail Report" is the system by which a telephone utility automatically monitors cellular telephone numbers and internal electronic numbers for billing and switching purposes, and records the general geographic location of cell sites accessed by the Subject Air Card. The call detail report provides numerical parameters that would enable law enforcement to narrow down the location of the regularly accessed cell cites and narrow the potential search area for the air card's physical location.

On 03-05-13, the Clovis Police Department received a formal complaint against one of our sworn police officers. This complaint alleges this officer misused work hours to conduct personal business during the period of **04/01/2012 to 01/31/2013**. One of the alleged incidents describes the officer taking his on duty patrol vehicle without permission into the "River Park" shopping center within the city of Fresno. The officer responded to the shopping center to pick up the complainant to give her a ride home. This complaint also alleges several other occasions where the officer would spend several hours while on duty at the complainant's home. The complainant also

alleged that during some of these visits that the complainant and the officer were involved in sexual activities.

The Clovis Police Department's patrol vehicles are equipped with laptop computer's that assists both the officer and dispatchers with sending and receiving information related to their duties. Each of these computer's are equipped with an air card that allows these computers to communicate with a mobile network. The Clovis Police Department during the period of **04/01/2012 to 01/31/2013** contracted with AT&T Wireless (Cingular Wireless) to provide this mobile network service. Each officer of this department is assigned a personal vehicle with lap top computer for use while on duty. The officer that was alleged to be involved in this complaint was assigned patrol vehicle 19003. This vehicle was also equipped with a Panasonic Tough Book labeled "CPD-MDC-003"with a City of Clovis property # 06191. This Tough Book was equipped with a AT&T air card (FSN) Factory Serial Number [redacted] and (IMEI) international mobile equipment identifier [redacted].

The patrol vehicle, laptop computer, air card and network service provided through AT&T Wireless (Cingular Wireless) are all property of the Clovis Police Department. AT&T Wireless (Cingular Wireless) due to privacy laws will not release Subscriber, Call Detail Records or Cell Cite information to the Clovis Police Department without a Court Order. This information is being requested because it will assist investigators in determining if this officers patrol vehicle, lap top computer and or air card were communicating with AT&T Wireless (Cingular Wireless) network during the time and location where these allegations state.

Because there are reasonable grounds to believe that such information is relevant and material to the ongoing investigation into policy and possible criminal violations I request the court order AT&T Wireless (Cingular Wireless) release subscriber, call detail records and cell site information to the Clovis Police Department. These records are for IEME # [redacted] and cover a period starting on **04/01/2012 and ending on 01/31/2013.**

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief, and that this declaration was executed on the date listed below.

Items attached and incorporated by Reference: YES [ ] NO [X]

Executed at Clovis, California

[redacted]

Signature of Affiant

Date: 9th day of April, 2013 at 2^02 ~~[A.M.]~~ [P.M.]

Subscribed to and sworn before me this 9th day of April, 2013 at 2^02 ~~[A.M.]~~ [P.M]

[redacted]

Honorable Judge of the Superior Court
Fresno, California

Clovis Police Department
City of Clovis

1233 Fifth Street • Clovis, CA 93612
(559) 324-3437

AT&T Mobility (Cingular)
National Subpoena Compliance Center
P.O. Box 24679
West Palm Beach, FL 33416
(800) 635-6840 Main
(888) 938-4715 Fax

I am currently working an internal investigation related to our case number 13-03. The attached court order is requesting subscriber, call detail records, cell site / cell tower information related to IMEI # [redacted] between 04/01/2012 and 01/31/2013.

I am also requesting that this information be sent electronically in both .txt (notepad) and/or .xls (excel) formats.

All information can be emailed to [redacted] or mailed to 1233 Fifth St. Clovis, Ca 93612.

Thank You,

Corporal [redacted]
Clovis Police Department
[redacted]
[redacted]@cityofclovis.com

Send Result Report

MFP

CS 450ci

irmware Version 2LC_2F00.004.023 2012.09.07

04/09/2013 14:49

[2LC_1000.007.003] [2K9_1100.002.001] [2LC_7000.004.019]

Job No.: 000783 Total Time: 0°00'17" Page: 002

Complete

Document: **doc00078320130409144829**



Clovis Police Department
City of Clovis

1233 Fifth Street • Clovis, CA 93612
(559) 324-3437

AT&T Mobility (Cingular)
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No.	Date and Time	Destination	Times	Type	Result	Resolution/ECM
001	04/09/13 14:48	**918889384715**	0°00'17"	FAX	OK	200x100 Normal/On

[NWR3100464]



National Court Order Compliance
RESPONSE COVER SHEET
11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
Phone 1-800-635-6840 Facsimile 1-888-938-4715

To: **OFCR** [redacted]
CLOVIS PD 93612
1233 5TH ST
CLOVIS CA 93612

File Code: 1322854

From: FYY

Phone Number: (559) 324-2800
Fax Number: 1(559) 324-2854

Request Dated: 4/9/2013
Received On: 4/9/2013

Number of Pages:
Date: 4/29/2013

RE : IMEI Search. [redacted]

All available requested information is enclosed.

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF FRESNO

WIRELESS IMEI NUMBERS: [redacted] SUBSCRIBED THROUGH AT&T Wireless (Cingular Wireless)	COURT ORDER AUTHORIZING SUBSCRIBER, CALL DETAIL RECORDS AND/OR CELL SITE INFORMATION.

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Subscribed to and sworn before me this 9th day of April, 2013 at 2:02 ~~[A.M.]~~ [P.M]

[redacted]
Honorable Judge of the Superior Court
Fresno, California



[redacted]@cityofclovis.com

Authenticated by att.com Valid Signature

From: compcent@att.com
To: [redacted]@cityofclovis.com
Sent: May 2, 2013 7:25:23 PM EDT
Subject: 1322854 AJ
Attached: A1-.TIF (69 kb)
A1-3.zip (72 kb)

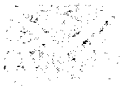
AT&T SecureMail powered by Voltage Security.

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[redacted]

From: ATT Mobility Compliance Center [compcent@att.com]
Sent: Thursday, May 02, 2013 4:25 PM
To: Curt Fleming
Subject: 1322854 AJ
Attachments: message_zdm.html

at&t



This is a secure, encrypted message.

Desktop Users:
Open the attachment (message_zdm.html) and follow the instructions.

Mobile Users:
For iOS, Android, and BlackBerry users, get the mobile application.

For Windows Mobile phones, please forward the message including the attachment to zdmproxy@voltage.it.att.com. You will need to check your Inbox for a link to view the message.

Need Help?

Disclaimer: This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender.

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1322854

04/29/2013

SUBSCRIBER INFORMATION

995527978 C/T

Financially Liable Party

Name: CA CITY OF CLOVIS GSM-R
Credit Address: 1233 5TH ST, CLOVIS, CA 93612

Customer Since: 04/15/2004
Photo ID Type: Photo ID State:
Photo ID Number:
DOB: SSN:

Contact Name: [redacted]
Contact Home Phone: [redacted] Contact Work Phone: [redacted]
Contact Home Email: [redacted] Contact Work Email:

Billing Party

Account Number: 995527978
Name:
Billing Address: [redacted]

Account Status: Active Billing Cycle: 23

User Information

MSISDN: [redacted] IMSI: 310410208262129
MSISDN Active: 09/15/2009 - Current IMEI/ESN: 999999999999999/

Name: VEHICLE 19003
User Address: [redacted]

Service Start Date: 09/15/2009 Dealer Info: 1943U GENWW
Payment Type: Postpaid
Contact Name:
Contact Home Phone: Contact Work Phone:
Contact Home Email: Contact Work Email:

Status Change History

Status Change Reason: Status Change Date:

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MOBILITY USAGE
(with cell location)

Run Date: 04/29/2013
Run Time: 06:46:28
Voice Usage For: [redacted]
Account Number:

Item	Conn. Date	Conn. Time	Seizure Time	Originating Number	Terminating Number	Elapsed Time	Number Dialed	IMEI	IMSI	Description	Cell Location

AT&T Proprietary

FYY

The information contained here is for use by authorized person only and is not for general distribution.

MOBILITY USAGE
(with cell location)

Run Date: 04/29/2013
Run Time: 06:46:29
Data Usage For: [redacted]
Account Number: [redacted]

Item	Conn. Date	Conn. Time	Originating Number	Elapsed Time	Bytes Up	Bytes Dn	IMEI	IMSI	Access Pt	Description	Cell Location
1	11/12/12	03:44A	[redacted]	19:32	366212	4754452	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56866/24741:-119.72582:36.81109:90]
2	11/12/12	03:48A		60:00	776452	7027172	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24913:-119.71125:36.80917:200]
3	11/12/12	04:04A		60:00	572868	2624756	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56866/24741:-119.72582:36.81109:90]
4	11/12/12	04:48A		60:00	531904	5927896	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24913:-119.71125:36.80917:200]
5	11/12/12	05:04A		6:59	109200	5011968	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24473:-119.69759:36.79816:]
6	11/12/12	05:11A		59:11	539353	4581696	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24473:-119.69759:36.79816:]
7	11/12/12	05:48A		60:00	623252	6009396	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24913:-119.71125:36.80917:200]
8	11/12/12	06:10A		60:00	585588	2413344	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24473:-119.69759:36.79816:]
9	11/12/12	06:48A		60:00	540136	5938156	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24913:-119.71125:36.80917:200]
10	11/12/12	07:10A		2:03	58592	5062016	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24473:-119.69759:36.79816:]
11	11/12/12	07:12A		52:54	545720	4575708	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24473:-119.69759:36.79816:]
12	11/12/12	07:48A		60:00	621244	6033980	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24913:-119.71125:36.80917:200]
13	11/12/12	08:05A		60:00	359544	2158548	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24473:-119.69759:36.79816:]
14	11/12/12	08:48A		60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24913:-119.71125:36.80917:200]
15	11/12/12	09:05A		60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24473:-119.69759:36.79816:]
16	11/12/12	09:48A		60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24913:-119.71125:36.80917:200]
17	11/12/12	10:05A		60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24473:-119.69759:36.79816:]
18	11/12/12	10:48A		60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24913:-119.71125:36.80917:200]
19	11/12/12	11:05A		42:41	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24473:-119.69759:36.79816:]
20	11/12/12	11:48A		0:16	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24913:-119.71125:36.80917:200]
21	11/14/12	05:15P		54:58	543181	4577829	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
22	11/14/12	05:15P		60:00	603117	8856245	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
23	11/14/12	06:10P		59:55	367965	4753324	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
24	11/14/12	06:15P		60:00	381820	5874852	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]

AT&T Proprietary

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MOBILITY USAGE
(with cell location)

Run Date: 04/29/2013
Run Time: 06:46:29
Data Usage For: [redacted]
Account Number:

Item	Conn. Date	Conn. Time	Originating Number	Elapsed Time	Bytes Up	Bytes Dn	IMEI	IMSI	Access Pt	Description	Cell Location
25	11/14/12	07:10P	[redacted]	0:42	51840	5068936	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
26	11/14/12	07:11P	[redacted]	55:27	457624	4663000	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
27	11/14/12	07:15P	[redacted]	60:00	505728	7184088	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
28	11/14/12	08:06P	[redacted]	60:00	411769	3290428	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/22182:-119.70865:36.83613:330]
29	11/14/12	08:15P	[redacted]	60:00	484096	6032360	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
30	11/14/12	09:06P	[redacted]	2:36	100332	5020636	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56866/22717:-119.72582:36.81109:90]
31	11/14/12	09:09P	[redacted]	58:33	454384	4665768	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56866/22717:-119.72582:36.81109:90]
32	11/14/12	09:15P	[redacted]	60:00	478636	6036484	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
33	11/14/12	10:07P	[redacted]	54:02	413152	4708140	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/22959:-119.71125:36.80917:200]
34	11/14/12	10:15P	[redacted]	60:00	480748	6004008	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
35	11/14/12	11:01P	[redacted]	60:00	452988	3691960	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/22959:-119.71125:36.80917:200]
36	11/14/12	11:15P	[redacted]	60:00	488860	6118024	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
37	11/15/12	12:01A	[redacted]	6:39	86944	5034408	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/22959:-119.71125:36.80917:200]
38	11/15/12	12:08A	[redacted]	60:00	118588	670356	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/22959:-119.71125:36.80917:200]
39	11/15/12	12:15A	[redacted]	60:00	35616	40552	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
40	11/15/12	01:08A	[redacted]	60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/22959:-119.71125:36.80917:200]
41	11/15/12	01:15A	[redacted]	60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
42	11/15/12	02:08A	[redacted]	60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/22959:-119.71125:36.80917:200]
43	11/15/12	02:15A	[redacted]	60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
44	11/15/12	03:08A	[redacted]	14:27	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/22959:-119.71125:36.80917:200]
45	11/15/12	03:15A	[redacted]	7:20	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
46	11/19/12	07:43A	[redacted]	36:38	689420	4431415	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
47	11/19/12	07:43A	[redacted]	60:00	961007	9309683	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
48	11/19/12	08:19A	[redacted]	22:54	257562	4862604	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56865/25779:-119.8431:36.75365:210]
49	11/19/12	08:42A	[redacted]	60:00	973317	3487264	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56865/22893:-119.86352:36.7304:210]

MOBILITY USAGE
(with cell location)

Run Date: 04/29/2013
Run Time: 06:46:30
Data Usage For:
Account Number:

Item	Conn. Date	Conn. Time	Originating Number	Elapsed Time	Bytes Up	Bytes Dn	IMEI	IMSI	Access Pt	Description	Cell Location
50	11/19/12	08:43A		60:00	970532	3483384	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
51	11/19/12	09:42A		48:41	582696	4537360	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56880/22288:-119.8675:36.62288:330]
52	11/19/12	09:43A		60:00	601576	4555744	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
53	11/19/12	10:31A		60:00	30464	28816	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/22883:-119.7183:36.82458:210]
54	11/19/12	10:43A		60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
55	11/19/12	11:31A		60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/22883:-119.7183:36.82458:210]
56	11/19/12	11:43A		60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
57	11/19/12	12:31P		60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/22883:-119.7183:36.82458:210]
58	11/19/12	12:43P		54:24	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
59	11/19/12	01:31P		6:11	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/22883:-119.7183:36.82458:210]
60	11/23/12	12:36P		60:00	28053	372865	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
61	11/23/12	01:36P		60:00	16398	5022	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
62	11/23/12	02:36P		60:00	14995	5837	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
63	11/23/12	03:36P		60:00	14518	5001	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
64	11/23/12	04:36P		60:00	16055	6095	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
65	11/23/12	05:36P		57:02	15161	5249	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
66	11/23/12	05:36P		57:00	15161	5249	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
67	12/12/12	12:20P		60:00	521787	4920975	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
68	12/12/12	12:20P		27:30	375555	4744483	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
69	12/12/12	12:48P		60:00	337840	510380	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
70	12/12/12	01:20P		60:00	515652	810716	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
71	12/12/12	01:48P		60:00	535016	887540	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
72	12/12/12	02:20P		60:00	450892	894676	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
73	12/12/12	02:48P		60:00	492772	959348	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
74	12/12/12	03:20P		60:00	474412	819212	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
75	12/12/12	03:48P		60:00	376608	568880	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
76	12/12/12	04:20P		60:00	350960	480012	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
77	12/12/12	04:48P		60:00	391244	501096	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
78	12/12/12	05:20P		60:00	379100	549228	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
79	12/12/12	05:48P		60:00	330976	494208	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
80	12/12/12	06:20P		60:01	366084	457096	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
81	12/12/12	06:48P		60:00	347132	412480	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
82	12/12/12	07:20P		60:00	287688	366288	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
83	12/12/12	07:48P		60:00	330528	461160	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]

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Run Date: 04/29/2013
Run Time: 06:46:30
Data Usage For: [redacted]
Account Number: [redacted]

Item	Conn. Date	Conn. Time	Originating Number	Elapsed Time	Bytes Up	Bytes Dn	IMEI	IMSI	Access Pt	Description	Cell Location
84	12/12/12	08:20P	[redacted]	60:00	372828	478912	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
85	12/12/12	08:48P		60:00	357276	444928	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
86	12/12/12	09:20P		60:00	313032	448936	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
87	12/12/12	09:48P		60:00	391684	498876	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
88	12/12/12	10:20P		60:00	367324	424960	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
89	12/12/12	10:48P		60:00	287864	383032	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
90	12/12/12	11:20P		60:00	347932	454588	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
91	12/12/12	11:48P		60:00	354345	428684	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
92	12/13/12	12:20A		60:00	284208	330656	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
93	12/13/12	12:48A		60:00	268048	263756	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
94	12/13/12	01:20A		60:00	288152	253376	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
95	12/13/12	01:48A		60:00	252756	234160	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
96	12/13/12	02:20A		60:00	257664	264956	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
97	12/13/12	02:48A		60:00	297876	300816	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
98	12/13/12	03:20A		60:00	300508	283376	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
99	12/13/12	03:48A		60:00	276040	269572	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
100	12/13/12	04:20A		60:00	238444	246292	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
101	12/13/12	04:48A		60:00	298380	277828	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
102	12/13/12	05:20A		60:00	342752	370508	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
103	12/13/12	05:48A		60:00	303752	401556	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
104	12/13/12	06:20A		60:00	348376	406688	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
105	12/13/12	06:48A		60:00	452880	528780	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
106	12/13/12	07:20A		60:00	467424	622364	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
107	12/13/12	07:48A		60:00	420324	578864	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
108	12/13/12	08:20A		60:00	482960	680680	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
109	12/13/12	08:48A		60:00	1370320	1637668	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
110	12/13/12	09:20A		60:00	1755728	1959660	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
111	12/13/12	09:48A		60:00	832056	911788	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
112	12/13/12	10:20A		60:00	313844	376544	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
113	12/13/12	10:48A		60:00	336300	443740	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
114	12/13/12	11:20A		60:00	403820	515052	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
115	12/13/12	11:48A		60:00	379658	467404	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
116	12/13/12	12:20P		60:00	317592	410156	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
117	12/13/12	12:48P		60:00	355072	466680	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
118	12/13/12	01:20P		60:00	442724	629264	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
119	12/13/12	01:48P		60:00	445716	763956	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]

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Run Date: 04/29/2013
Run Time: 06:46:30
Data Usage For: [redacted]
Account Number:

Item	Conn. Date	Conn. Time	Originating Number	Elapsed Time	Bytes Up	Bytes Dn	IMEI	IMSI	Access Pt	Description	Cell Location
120	12/13/12	02:20P	[redacted]	60:00	463384	858220	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
121	12/13/12	02:48P		60:00	475680	779544	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
122	12/13/12	03:20P		60:00	422640	645892	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
123	12/13/12	03:48P		60:00	375996	583112	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
124	12/13/12	04:20P		60:00	400676	542544	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
125	12/13/12	04:48P		60:00	379992	463836	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
126	12/13/12	05:20P		60:00	300512	376588	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
127	12/13/12	05:48P		60:00	300444	404384	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
128	12/13/12	06:20P		60:00	368844	463768	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
129	12/13/12	06:48P		60:00	389584	521448	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
130	12/13/12	07:20P		60:00	330056	503448	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
131	12/13/12	07:48P		60:00	369760	522200	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
132	12/13/12	08:20P		60:01	410356	570996	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
133	12/13/12	08:48P		60:00	345804	494168	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
134	12/13/12	09:21P		60:00	321852	429956	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
135	12/13/12	09:48P		60:00	352644	436176	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
136	12/13/12	10:21P		60:00	316320	400496	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
137	12/13/12	10:48P		60:00	291608	398600	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
138	12/13/12	11:21P		60:00	381940	488136	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
139	12/13/12	11:48P		60:00	354540	426380	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
140	12/14/12	12:21A		29:11	126232	149292	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
141	12/14/12	12:48A		1:42	1040	2208	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
142	12/14/12	09:51P		60:01	409039	525303	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24361:-119.70865:36.83613:90]
143	12/14/12	09:51P		60:00	409039	525303	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24361:-119.70865:36.83613:90]
144	12/14/12	10:51P		60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24361:-119.70865:36.83613:90]
145	12/14/12	11:51P		60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24361:-119.70865:36.83613:90]
146	12/15/12	12:51A		25:40	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24361:-119.70865:36.83613:90]
147	12/19/12	09:47A		60:00	29589	380576	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
148	12/19/12	10:47A		12:18	2746	851	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
149	12/19/12	10:47A		12:19	2746	851	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26323:-119.69473:36.85036:170]
150	12/19/12	10:59A		6:50	733	961	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24782:-119.68502:36.80968:]
151	12/19/12	10:59A		6:48	736	961	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24782:-119.68502:36.80968:]
152	12/19/12	11:07A		4:23	283	423	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24782:-119.68502:36.80968:]
153	12/19/12	11:11A		60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24782:-119.68502:36.80968:]
154	12/19/12	12:11P		60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24782:-119.68502:36.80968:]
155	12/19/12	01:11P		60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24782:-119.68502:36.80968:]
156	12/19/12	02:11P		53:51	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24782:-119.68502:36.80968:]
157	12/19/12	02:11P		53:52	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24782:-119.68502:36.80968:]

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Run Date: 04/29/2013
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Data Usage For: [redacted]
Account Number:

Item	Conn. Date	Conn. Time	Originating Number	Elapsed Time	Bytes Up	Bytes Dn	IMEI	IMSI	Access Pt	Description	Cell Location
158	12/28/12	03:19P	[redacted]	23:40	4813	4091	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24782:-119.68502:36.80968:]
159	12/28/12	03:19P	[redacted]	23:41	4813	4091	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24782:-119.68502:36.80968:]
160	12/28/12	03:44P	[redacted]	26:31	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
161	12/28/12	03:44P	[redacted]	26:29	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
162	12/28/12	04:11P	[redacted]	60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
163	12/28/12	04:11P	[redacted]	60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
164	12/28/12	05:11P	[redacted]	60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
165	12/28/12	05:11P	[redacted]	60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
166	12/28/12	06:11P	[redacted]	60:01	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
167	12/28/12	06:11P	[redacted]	60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
168	12/28/12	07:11P	[redacted]	4:15	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
169	12/31/12	08:06A	[redacted]	20:01	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
170	12/31/12	08:06A	[redacted]	20:02	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
171	12/31/12	08:26A	[redacted]	24:50	2883	3304	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
172	12/31/12	08:26A	[redacted]	24:49	3203	3304	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
173	12/31/12	08:52A	[redacted]	11:13	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
174	12/31/12	08:52A	[redacted]	11:12	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
175	12/31/12	09:03A	[redacted]	13:52	156	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24788:-119.68502:36.80968:]
176	12/31/12	09:03A	[redacted]	13:51	156	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24788:-119.68502:36.80968:]
177	12/31/12	09:18A	[redacted]	14:12	211779	1138901	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
178	12/31/12	09:18A	[redacted]	14:13	211651	1138901	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
179	12/31/12	09:32A	[redacted]	4:25	241143	419556	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
180	12/31/12	09:38A	[redacted]	60:00	175594	178923	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
181	12/31/12	09:38A	[redacted]	60:00	176426	178923	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
182	12/31/12	10:38A	[redacted]	60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
183	12/31/12	11:38A	[redacted]	60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
184	12/31/12	12:38P	[redacted]	10:35	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
185	12/31/12	12:38P	[redacted]	10:36	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
186	01/03/13	04:19P	[redacted]	60:00	567	469	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
187	01/03/13	04:19P	[redacted]	60:00	759	469	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
188	01/03/13	05:19P	[redacted]	60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
189	01/03/13	06:19P	[redacted]	60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
190	01/03/13	07:19P	[redacted]	8:14	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
191	01/03/13	07:19P	[redacted]	8:15	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24647:-119.70114:36.82135:80]
192	01/15/13	04:57P	[redacted]	18:59	581091	4538920	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]

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MOBILITY USAGE
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Run Date: 04/29/2013
Run Time: 06:46:10
Data Usage For: [redacted]
Account Number:

Item	Conn. Date	Conn. Time	Originating Number	Elapsed Time	Bytes Up	Bytes Dn	IMEI	IMSI	Access Pt	Description	Cell Location
193	01/15/13	04:57P	[redacted]	59:59	1045727	5020524	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
194	01/15/13	05:16P	[redacted]	60:00	617148	650820	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
195	01/15/13	05:57P	[redacted]	60:00	427692	831540	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
196	01/15/13	06:16P	[redacted]	60:00	548544	2166592	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
197	01/15/13	06:57P	[redacted]	60:00	616764	2395232	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
198	01/15/13	07:16P	[redacted]	60:00	418640	998300	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/22182:-119.70865:36.83613:330]
199	01/15/13	07:57P	[redacted]	60:00	250120	356152	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
200	01/15/13	08:16P	[redacted]	60:00	301456	471340	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56866/24743:-119.72582:36.81109:140]
201	01/15/13	08:57P	[redacted]	39:00	331408	1046300	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
202	01/15/13	09:16P	[redacted]	20:00	206776	822272	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56866/25801:-119.71882:36.75176:90]
203	01/15/13	09:36P	[redacted]	60:00	526304	683052	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24367:-119.70865:36.83613:90]
204	01/15/13	09:36P	[redacted]	60:00	526408	682988	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24367:-119.70865:36.83613:90]
205	01/15/13	10:36P	[redacted]	60:00	451060	608456	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/22658:-119.65802:36.84522:330]
206	01/15/13	10:36P	[redacted]	60:00	451060	608940	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24367:-119.70865:36.83613:90]
207	01/15/13	11:36P	[redacted]	60:00	396292	492864	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24367:-119.70865:36.83613:90]
208	01/15/13	11:36P	[redacted]	60:00	396404	491804	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24478:-119.69759:36.79816:306]
209	01/16/13	12:36A	[redacted]	60:00	383132	528832	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24478:-119.69759:36.79816:306]
210	01/16/13	12:36A	[redacted]	60:00	383340	529072	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24367:-119.70865:36.83613:90]
211	01/16/13	01:36A	[redacted]	60:00	401228	450428	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/25817:-119.72703:36.87665:90]
212	01/16/13	01:36A	[redacted]	60:00	401228	450912	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24367:-119.70865:36.83613:90]
213	01/16/13	02:36A	[redacted]	60:00	320216	313208	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24367:-119.70865:36.83613:90]
214	01/16/13	02:36A	[redacted]	60:00	320432	313208	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/25113:-119.72703:36.87665:210]
215	01/16/13	03:36A	[redacted]	60:00	282584	229772	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24367:-119.70865:36.83613:90]
216	01/16/13	03:36A	[redacted]	60:00	282664	229852	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26328:-119.69473:36.85036:310]
217	01/16/13	04:36A	[redacted]	60:00	268080	243944	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24367:-119.70865:36.83613:90]
218	01/16/13	04:36A	[redacted]	60:00	268242	243864	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24912:-119.71125:36.80917:330]
219	01/16/13	05:36A	[redacted]	60:00	341885	306660	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/22952:-119.71125:36.80917:330]
220	01/16/13	05:36A	[redacted]	60:00	341908	306660	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24367:-119.70865:36.83613:90]
221	01/16/13	06:36A	[redacted]	60:00	319436	2562940	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24367:-119.70865:36.83613:90]
222	01/16/13	06:36A	[redacted]	60:00	319460	2562940	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/22952:-119.71125:36.80917:330]
223	01/16/13	07:36A	[redacted]	60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/22952:-119.71125:36.80917:330]
224	01/16/13	07:36A	[redacted]	60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24367:-119.70865:36.83613:90]
225	01/16/13	08:36A	[redacted]	60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/22952:-119.71125:36.80917:330]

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MOBILITY USAGE
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Run Date: 04/29/2013
Run Time: 06:46:30
Data Usage For: [redacted]
Account Number:

Item	Conn. Date	Conn. Time	Originating Number	Elapsed Time	Bytes Up	Bytes Dn	IMEI	IMSI	Access Pt	Description	Cell Location
226	01/16/13	08:36A	[redacted]	60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24367:-119.70865:36.83613:90]
227	01/16/13	09:36A		51:16	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/22952:-119.71125:36.80917:330]
228	01/16/13	09:36A		51:16	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24367:-119.70865:36.83613:90]
229	01/16/13	05:47P		60:01	909079	1495359	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
230	01/16/13	05:47P		60:00	909967	1495519	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
231	01/16/13	06:47P		60:00	916296	4004968	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
232	01/16/13	06:47P		60:00	916352	4005532	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
233	01/16/13	07:47P		33:54	410920	1005908	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/24807:-119.72889:36.85017:90]
234	01/16/13	07:47P		33:55	410920	1008028	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
235	01/16/13	08:21P		39:27	912312	19099252	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24368:-119.70865:36.83613:330]
236	01/16/13	08:21P		38:10	721840	4399056	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24368:-119.70865:36.83613:330]
237	01/16/13	08:59P		0:21	52672	5068284	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/24807:-119.72889:36.85017:90]
238	01/16/13	09:00P		0:32	84488	5036804	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/24807:-119.72889:36.85017:90]
239	01/16/13	09:00P		0:24	59072	5062020	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/24807:-119.72889:36.85017:90]
240	01/16/13	09:01P		2:02	199968	19838460	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24368:-119.70865:36.83613:330]
241	01/16/13	09:01P		0:35	59312	5061152	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/24807:-119.72889:36.85017:90]
242	01/16/13	09:01P		0:32	48000	5072056	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/24807:-119.72889:36.85017:90]
243	01/16/13	09:02P		0:30	48152	5071928	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/24807:-119.72889:36.85017:90]
244	01/16/13	09:02P		0:27	47312	5072792	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/24807:-119.72889:36.85017:90]
245	01/16/13	09:03P		1:27	176608	19778248	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24368:-119.70865:36.83613:330]
246	01/16/13	09:03P		0:24	44616	5075832	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/24807:-119.72889:36.85017:90]
247	01/16/13	09:03P		0:21	50800	5069952	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/24807:-119.72889:36.85017:90]
248	01/16/13	09:04P		0:26	45728	5075028	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/24807:-119.72889:36.85017:90]

MOBILITY USAGE
(with cell location)

Run Date: 04/29/2013
Run Time: 06:46:30
Data Usage For: [redacted]
Account Number:

Item	Conn. Date	Conn. Time	Originating Number	Elapsed Time	Bytes Up	Bytes Dn	IMEI	IMSI	Access Pt	Description	Cell Location
249	01/16/13	09:04P	[redacted]	0:18	37560	5083852	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/24807:-119.72889:36.85017:90]
250	01/16/13	09:04P	[redacted]	1:30	191944	19844312	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24368:-119.70865:36.83613:330]
251	01/16/13	09:04P	[redacted]	0:32	47832	5073464	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/24807:-119.72889:36.85017:90]
252	01/16/13	09:05P	[redacted]	0:18	38584	5081524	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/24807:-119.72889:36.85017:90]
253	01/16/13	09:05P	[redacted]	0:20	62088	5059196	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/24807:-119.72889:36.85017:90]
254	01/16/13	09:05P	[redacted]	0:25	50792	5069540	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/24807:-119.72889:36.85017:90]
255	01/16/13	09:06P	[redacted]	1:36	183760	19779120	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24368:-119.70865:36.83613:330]
256	01/16/13	09:06P	[redacted]	0:24	46392	5074896	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/24807:-119.72889:36.85017:90]
257	01/16/13	09:06P	[redacted]	0:22	48176	5071836	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/24807:-119.72889:36.85017:90]
258	01/16/13	09:07P	[redacted]	0:22	43992	5076284	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/24807:-119.72889:36.85017:90]
259	01/16/13	09:07P	[redacted]	0:31	54184	5066480	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/24807:-119.72889:36.85017:90]
260	01/16/13	09:07P	[redacted]	13:58	363984	3275644	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24368:-119.70865:36.83613:330]
261	01/16/13	09:08P	[redacted]	60:00	1102564	2721312	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/24807:-119.72889:36.85017:90]
262	01/16/13	09:21P	[redacted]	60:00	935468	2057540	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24368:-119.70865:36.83613:330]
263	01/16/13	10:08P	[redacted]	60:00	872916	1225592	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/22182:-119.70865:36.83613:330]
264	01/16/13	10:21P	[redacted]	60:00	877756	1238792	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24368:-119.70865:36.83613:330]
265	01/16/13	11:08P	[redacted]	60:00	802380	1068472	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/22781:-119.72889:36.85017:90]
266	01/16/13	11:21P	[redacted]	60:00	819252	1608412	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24368:-119.70865:36.83613:330]
267	01/17/13	12:08A	[redacted]	19:14	261288	871004	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/22883:-119.7183:36.82458:210]
268	01/17/13	12:21A	[redacted]	5:30	69688	89748	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24368:-119.70865:36.83613:330]
269	01/17/13	12:27A	[redacted]	60:00	939908	1077744	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
270	01/17/13	12:27A	[redacted]	60:00	939956	1077824	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]

MOBILITY USAGE
(with cell location)

Run Date: 04/29/2013
Run Time: 06:46:30
Data Usage For: [redacted]
Account Number:

Item	Conn. Date	Conn. Time	Originating Number	Elapsed Time	Bytes Up	Bytes Dn	IMEI	IMSI	Access Pt	Description	Cell Location
271	01/17/13	01:27A	[redacted]	60:00	937484	1703804	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
272	01/17/13	01:27A	[redacted]	60:00	937532	1703804	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
273	01/17/13	02:27A	[redacted]	60:00	782632	910220	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
274	01/17/13	02:27A	[redacted]	60:00	783968	920892	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/22323:-119.69759:36.79816:210]
275	01/17/13	03:27A	[redacted]	60:00	851768	940208	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/22323:-119.69759:36.79816:210]
276	01/17/13	03:27A	[redacted]	60:00	853056	950960	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
277	01/17/13	04:27A	[redacted]	60:00	876820	2148640	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
278	01/17/13	04:27A	[redacted]	60:00	876860	2148720	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/22323:-119.69759:36.79816:210]
279	01/17/13	05:27A	[redacted]	8:48	105808	117320	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/22883:-119.7183:36.82458:210]
280	01/17/13	05:27A	[redacted]	8:48	105856	118140	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
281	01/17/13	05:36A	[redacted]	60:00	986304	1250532	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
282	01/17/13	05:36A	[redacted]	60:00	986448	1250612	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
283	01/17/13	06:36A	[redacted]	27:08	427104	536016	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
284	01/17/13	06:36A	[redacted]	27:08	427248	536176	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
285	01/17/13	02:26P	[redacted]	23:40	946532	4173549	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
286	01/17/13	02:26P	[redacted]	60:00	1443596	5840773	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
287	01/17/13	02:50P	[redacted]	60:00	852272	2407528	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
288	01/17/13	03:26P	[redacted]	60:00	913240	1646488	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
289	01/17/13	03:50P	[redacted]	60:00	873272	1333216	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
290	01/17/13	04:26P	[redacted]	60:00	787032	1073280	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
291	01/17/13	04:50P	[redacted]	60:00	819172	1093980	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
292	01/17/13	05:26P	[redacted]	60:00	826664	1087024	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
293	01/17/13	05:50P	[redacted]	60:00	815516	1076836	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
294	01/17/13	06:26P	[redacted]	60:00	771476	943380	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
295	01/17/13	06:50P	[redacted]	60:00	755376	914312	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
296	01/17/13	07:26P	[redacted]	60:00	758232	934544	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]

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MOBILI1 JSAGE
(with cell location)

Run Date: 04/29/2013
Run Time: 06:45:30
Data Usage For: [redacted]
Account Number:

Item	Conn. Date	Conn. Time	Originating Number	Elapsed Time	Bytes Up	Bytes Dn	IMEI	IMSI	Access Pt	Description	Cell Location
297	01/17/13	07:50P	[redacted]	60:00	743492	939308	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
298	01/17/13	08:26P	[redacted]	60:00	767756	1018912	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
299	01/17/13	08:50P	[redacted]	60:00	792272	1026240	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
300	01/17/13	09:26P	[redacted]	60:01	754828	966816	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
301	01/17/13	09:50P	[redacted]	60:00	796700	1025124	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
302	01/17/13	10:26P	[redacted]	60:00	820532	1101180	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
303	01/17/13	10:50P	[redacted]	60:00	784112	1063484	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
304	01/17/13	11:26P	[redacted]	60:00	823248	1054396	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
305	01/17/13	11:50P	[redacted]	60:00	797168	1012220	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
306	01/18/13	12:26A	[redacted]	60:00	792016	1892872	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
307	01/18/13	12:50A	[redacted]	60:00	763728	1799124	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
308	01/18/13	01:26A	[redacted]	60:00	730304	888156	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
309	01/18/13	01:50A	[redacted]	60:00	713264	868784	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
310	01/18/13	02:26A	[redacted]	60:00	709300	807764	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
311	01/18/13	02:50A	[redacted]	60:00	746312	837532	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
312	01/18/13	03:26A	[redacted]	60:00	700868	756952	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
313	01/18/13	03:50A	[redacted]	60:00	691528	722180	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
314	01/18/13	04:26A	[redacted]	60:00	669860	757292	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
315	01/18/13	04:50A	[redacted]	60:00	679904	778932	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
316	01/18/13	05:26A	[redacted]	60:00	714740	774780	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
317	01/18/13	05:50A	[redacted]	60:00	729352	824792	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
318	01/18/13	06:26A	[redacted]	60:00	790780	1040216	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
319	01/18/13	06:50A	[redacted]	60:00	785668	1098412	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
320	01/18/13	07:26A	[redacted]	60:00	810660	1136516	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
321	01/18/13	07:50A	[redacted]	60:00	818516	1144588	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
322	01/18/13	08:26A	[redacted]	60:00	224818 0	351286 4	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]

MOBILIT USAGE
(with cell location)

Run Date: 04/29/2013
Run Time: 06:46:30
Data Usage For: [redacted]
Account Number:

Item	Conn. Date	Conn. Time	Originating Number	Elapsed Time	Bytes Up	Bytes Dn	IMEI	IMSI	Access Pt	Description	Cell Location
323	01/18/13	08:50A	[redacted]	39:23	196934 0	315068 0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
324	01/18/13	09:26A	[redacted]	60:00	112262 8	653112 0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
325	01/18/13	09:29A	[redacted]	36:09	731596	438856 0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
326	01/18/13	10:05A	[redacted]	60:00	951688	288536 0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
327	01/18/13	10:26A	[redacted]	60:00	828576	112259 2	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
328	01/18/13	11:05A	[redacted]	60:00	725376	967984	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
329	01/18/13	11:26A	[redacted]	60:00	796972	104440 4	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
330	01/18/13	12:05P	[redacted]	60:00	789104	950948	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
331	01/18/13	12:26P	[redacted]	60:00	714308	833520	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
332	01/18/13	01:05P	[redacted]	60:00	690692	865904	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
333	01/18/13	01:26P	[redacted]	60:00	756824	926584	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
334	01/18/13	02:05P	[redacted]	58:37	797596	118137 6	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
335	01/18/13	02:26P	[redacted]	37:48	505896	839712	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
336	01/21/13	05:22P	[redacted]	60:00	127250 7	964584 8	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
337	01/21/13	05:22P	[redacted]	7:21	272767	484732 4	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
338	01/21/13	05:29P	[redacted]	41:58	876780	424429 2	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
339	01/21/13	06:11P	[redacted]	60:00	681180	324088 4	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
340	01/21/13	06:22P	[redacted]	60:00	705548	328037 2	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
341	01/21/13	07:11P	[redacted]	38:17	914916	420520 4	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
342	01/21/13	07:22P	[redacted]	60:00	141390 8	673783 6	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
343	01/21/13	07:50P	[redacted]	55:16	890520	422958 0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/22782:-119.72889:36.85017:330]
344	01/21/13	08:22P	[redacted]	60:01	669084	314833 6	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
345	01/21/13	08:45P	[redacted]	60:00	675020	335305 2	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/22261:-119.67507:36.88453:90]
346	01/21/13	09:22P	[redacted]	60:00	732696	365232 4	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]

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MOBILITY USAGE
(with cell location)

Run Date: 04/29/2013
Run Time: 06:46:30
Data Usage For: [redacted]
Account Number:

Item	Conn. Date	Conn. Time	Originating Number	Elapsed Time	Bytes Up	Bytes Dn	IMEI	IMSI	Access Pt	Description	Cell Location
347	01/21/13	09:45P	[redacted]	60:00	756856	3656412	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/24767:-119.74143:36.83893:90]
348	01/21/13	10:22P		60:00	631564	3165996	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
349	01/21/13	10:45P		60:00	609612	3157140	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24362:-119.70865:36.83613:330]
350	01/21/13	11:22P		60:00	644140	3192980	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
351	01/21/13	11:45P		60:00	586884	2727164	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24362:-119.70865:36.83613:330]
352	01/22/13	12:22A		60:00	496892	2733652	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
353	01/22/13	12:45A		60:00	473308	2844536	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/24807:-119.72889:36.85017:90]
354	01/22/13	01:22A		60:00	579820	3061020	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
355	01/22/13	01:45A		60:00	638529	3352456	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/24807:-119.72889:36.85017:90]
356	01/22/13	02:22A		60:00	531840	2929516	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
357	01/22/13	02:45A		60:00	583768	2962184	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56866/24748:-119.72582:36.81109:330]
358	01/22/13	03:22A		60:00	648684	3129872	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
359	01/22/13	03:45A		60:00	586421	3082548	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56874/22781:-119.72889:36.85017:90]
360	01/22/13	04:22A		60:00	673528	4047168	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
361	01/22/13	04:45A		60:00	693377	3880352	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/25302:-119.69473:36.85036:310]
362	01/22/13	05:22A		60:00	574296	3064420	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
363	01/22/13	05:45A		60:00	657840	3195728	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/25302:-119.69473:36.85036:310]
364	01/22/13	06:22A		60:00	479600	1924884	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
365	01/22/13	06:45A		60:00	158352	727388	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24362:-119.70865:36.83613:330]
366	01/22/13	07:22A		60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
367	01/22/13	07:45A		60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24362:-119.70865:36.83613:330]
368	01/22/13	08:22A		60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]
369	01/22/13	08:45A		60:00	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24362:-119.70865:36.83613:330]
370	01/22/13	09:22A		38:09	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/26329:-119.69473:36.85036:170]

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MOBILITY USAGE
(with cell location)

Run Date: 04/29/2013
Run Time: 05:46:30
Data Usage For: [redacted]
Account Number: [redacted]

Item	Conn. Date	Conn. Time	Originating Number	Elapsed Time	Bytes Up	Bytes Dn	IMEI	IMSI	Access Pt	Description	Cell Location
371	01/22/13	09:45A	[redacted]	15:16	0	0	3542180123581703	310410208262129	broadband	_MOBILE_DATA_	[56888/24362:-119.70865:36.83613:330]

MOBILITY USAGE
(with cell location)

Run Date: 04/29/2013
Run Time: 06:46:31
SMS Usage For: [redacted]
Account Number:

Item	Conn. Date	Conn. Time	Originating Number	Terminating Number	IMEI	IMSI	Description	Cell Location
1	05/04/12	05:48P	[redacted]	[redacted]	35421801235817O3	310410208262129	IN	[56888/22762:-119.68502:36.80958:330]
2	07/06/12	05:59P	[redacted]	[redacted]	35421801235817O3	310410208262129	IN	[56888/24361:-119.70865:36.83613:90]

INTERVIEW WITH OFC. KYLE PENNINGTON
Q=Sgt. [redacted]
Q1=Cpl. [redacted]
A=Ofc. Kyle Pennington
A1=Rep. Ofc. [redacted]

Q: Okay, we're going on record. Um, this is gonna be regarding Clovis PD Internal Investigation at 13-03. Present is Officer Kyle Pennington, his attorney represen-representing him is [redacted], and also present Corporal [redacted] and myself, Sergeant [redacted] The interview is being conducted at the Clovis Police Department. Today is Wednesday, April 3rd. The time is 10:17. Okay.

Q1: Okay. I'm gonna go ahead and read through the Advisement with you. Um, we have been assigned to investigate an Internal Department complaint of which you are a subject. The allegations made, if sustained, would violate the following Clovis Police Department policies: Clovis Disciplinary Policy 340.3.2 (m), engaging in on duty sexual relations, including but not limited to sexual intercourse, excess-excessive displays of public affection or other sexual content - contact. Clovis Disciplinary Policy 340.3.4 subsection (a), uh, reporting for work or being at work following the use of intoxicants, where such use may impair the employee's ability to perform assigned duties, or where there is immediate sus- uh, suspicion of um, ineffectiveness during public contact resulting from the use of intoxicants. Clovis Disciplinary Policy 340.3.5 subsection (aa), any other on duty or off duty conduct that any employee knows or reasonably should know is unbecoming a member of the Department or that is contrary to good order, efficiency or moral, or that intends to reflect unfavorable upon the Department or its members. Clovis Disciplinary Policy 340.3.5 subsection (i), the falsification of records, the making of misleading entries or statements with the intent to deceive or the willful or - and unauthorized destruction and or manipulation of any Department record, book, paper or document.

Q: Okay. Real quick, if I can interject, [redacted], this is the - when I noticed you, this is off the Policy Violation that you got - you got a copy of it?

A1: Yes.

Q: Are you - are you clear on everything?

A1: Yes.

Q: Do you need to - is...

A: No.

Q: Okay.

A1: We can waive that reading.

Q: That we'll just - okay, I'll just take - you're willing to waive Admin...

A1: Yeah.

Q: Okay. Uh...

Q1: We will continue me reading you your Internal Affair Admonishment. I will advise - I wish to advise you that you are being questioned as part of an official investigation with Clovis Police Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You're entitled to the rights and privileges guaranteed by Public Safety Officers Procedural Bill of Rights, California Government Code Section 3300 through 3311, and the Constitution of this State and Constitution of the United States, including the right to remain silent and not incriminate yourself, and to have a representative of your choice during questioning. I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, your silence could be deemed insubordination and could lead to administrative discipline, including dismissal from the Police Department. If you do answer, neither statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceedings, however, these statements may be used against you in relation to subsequent Departmental charges. In addition, your statements will not be admissible in any subsequent civil proceeding, um, except that one, that your statements can be used in seeking criminal sanctions against you, including - including disciplinary action, two, your statement may be used in action brought to you, um, or your uh, exclusive representative arising out of disciplinary action, three, your statements may be used to impeach your testimony after an on-camera review to determine whether the statements serve to impeach your testimony, and four, your statements may be used if you are subsequently deceased. And again, I'm just putting - the date is April 3rd and the time is...

Q: I'm sorry - 10:22.

Q1: Location, the Police Department. (Unintelligible) present - we've already disclosed this, and you being representative. I'm gonna be giving you your Miranda Advisement. Uh, you have the right to remain silent. Anything you say may be used against you in court. You have the right to an attorney before or during questioning. If you cannot afford an attorney, one will be appointed to you before questioning if you wish. Do you understand each of the rights that I have explained to you?

A: Yes.

Q1: Do you wish to speak to us in regards to this?

A: I invoke.

Q1: Okay. Go on with the Lybarger Admonishment. Uh, while you have the right to remain silent with regard to any criminal investigations, uh, you do not have the right to refuse to answer any administrative investigation questions. This is an administration investigation. I am therefore now ordering you to discuss the matter with me, us. If you refuse to discuss the matter, your silence can be deemed insubordination and can result to administrative discipline, up to and including termination. Any statement you make under compulsion of the threat of such discipline cannot be used against you in a later criminal proceeding. Kyle Pennington, I am ordering you to answer any and all questions asked of you truthfully and completely. Failure to do so may be deemed insubordination and may result in administrative discipline, up to and including termination of your employment with the Clovis Police Department. Um, the above Lybarger Admonishment has been explained to you and that you are understanding - I'm gonna need your signature here.

Q: Do you understand that?

A: Mm.

Q: Are you willing to speak to us regarding...

A: Yes.

Q1: At the conclusion I'll give you the admonishment, and you can sign, uh...

A: That's the statement...

Q1: That's the statement I gave after all the...okay.

Q: Um, obviously you know why we're here already. A complaint against you was submitted by an ex-girlfriend, ([redacted]). Um, you've already given, uh, some testimony on that, um, which covered most of the stuff that we were gonna ask you regarding that. There's a few questions that we will ask but um, the majority of the questions have already been answered by you. The um, you said about when time period you mentioned, about May?

A: It was late April, early May to the best of my memory.

Q: Okay. Where did - where exactly did you guys meet?

A: Um, uh, officially we met on kind of a double date type of thing. It was me and one of my friends, and her and another of her friends had gone out.

Q: And you say officially, unofficially, where?

A: Uh, uno- well, that was the first - well, let me think back how this gocs. Uh, I was uh, conducting an investigation with uh, Officer ([redacted]). Uh, this is maybe two - I don't - maybe a year ago, year and a half ago, something like that. And during the course of the uh, investigation I had spoken with her on the phone. Um, she didn't have anything to do uh, with the investigation at all. Um, it was the type of thing where the - the case was that there was this guy who was stealing um, tailgates from trucks, and he was storing them at his girlfriend's residence or his ex-girlfriend's residence or something to that effect. And um, I got - tried to get in contact with the ex-girlfriend, and ([redacted]) was the girl who had answered the phone, uh, when - when I placed the phone call. And I'd got in contact with the uh, the ex-girlfriend, and she consented to allow me to search her garage, where I found the uh, the tailgates and we recovered them. Um, and then uh, you know, during - during that period of time I had to - the - the ex-girlfriend at that time was uh, she was at a restaurant and I went and I - I picked her up to transport her back to her residence so that she could open it and I could search it, and then I had to take her back. During the course of that is when I saw ([redacted]) for the first time. Uh, I don't - I'm not certain that there was like an official meeting type thing that took place, um, at that point. Um, the ex-girlfriend of this guy is somebody who I previously knew before this case ever came about, and it was just a coincidence that she was involved in it.

Q: How did you know her?

A: I had met her - I had met her probably a year and a half to two years previous to this happening, uh, at a party. And uh, and actually had had her phone number and when she - it - it came about that uh, she was involved in this thing, uh, that's how I went about contacting her, because I had had her number from a previous introduction.

Q: Is this somebody you met at a party that you were interested in, or...

A: Not that - no, not that I was inter- not - not that I was interested in. It was somebody that I'd met at a party. Um, at the time my ex-wife worked with her dad, and she and the friends that she was with that night seemed like fun people. Um, and she said, "Hey, let me get your number and we'll - we'll call you up if - if we go out sometime," or something to that effect, and I gave her my number and I think we texted back and forth a couple of times but nothing ever came of it, and then I had her number saved in my phone. And when um, when her name came about in this thing, I said, "Wow, maybe I got her number still saved in my phone" - I sure did and I called her up, asked her what was going on with it, um, and then all that other stuff took place, she gave me consent, we found the - the tailgates. I took her back and dropped her off uh, with her friends. That's where I saw ([redacted]) for the first time. This girl called me, um, or texted me the next day and said, "Hey, you know, my uh, you know, my - my friend wanted to know if you wanted to grab some dinner or something," you know. The two of them knew a buddy of mine as well, and they said, "Hey, why don't you give this guy a call and see if we - we can't all go out and grab something to eat." "Okay," so the four of us went out and grabbed something to eat, and that's when I met her.

Q: Okay. So this was arranged through the girl that you already a phone number to?

A: Mm-hm.

Q: What was her name?

A: Her name's ([redacted]).

Q: ([redacted])? And after that double date, um, you guys exchanged numbers at that point?

A: ([redacted]) and I did, yeah, and then um, a couple days following we started texting back and forth, we started talking and then we went on a date, then a couple dates and then so on from there.

Q: How long was the uh, how long did you guys date - what was the total dating relation where you guys were I guess officially boyfriend and girlfriend?

A: Officially boyfriend and girlfriend? Um...

Q: Was it late April, early May too?

A: Well, I mean I - that's - that's when I first - uh, I wouldn't have considered her my girlfriend at that point.

Q: Okay.

A: No. Um, I - I'd say probably June-ish through, uh, the end of January.

Q: All right. Um, in relation to some of the uh, questions you've already been asked, um, going back to the argument that you guys had where she went to a neighbor's house?

A: Mm-hm.

Q: Um, how many times did you go back to that neighbor's house?

A: I believe - to the actual house, like to the door?

Q: Yeah.

A: I just went once where I knocked on the door. And I knocked on the door and I spoke to a gentleman, an uh, older guy with gray hair and he said, "Yeah, you know, there's no girl matching that description here," or whatever. I go, "Come on, man, like I'm just - I'm just concerned for her safety. I want to know if she's here or not. You know, I mean can you go back inside and check and - and see if she's here?" "Yeah, I'll go check." So he went back in and checked and then uh, and then came back to the door and said, "No, man, there's - there's nobody matching that description here."

Q: Is there a reason they would say you went back a second time?

A: Um, probably 'cause ([redacted]) and I were texting at that point, and uh, you know, I don't remember the specifics of the - the conversation, but during that conversation I had told her, "Hey, I went there and I talked to this dude and he said that you weren't there," and she says, "Well I am here." And I said, "Well, you know, I'm - I'm across the street - come outside and talk to me," type of thing. I don't know if they construed that as me going back to their residence. I didn't go on the same side of the street as where their house was - I definitely didn't go back up to the door. I stood across the street near a park and I said, "Hey, why don't you just come outside and talk to me about this?"

Q: Um, how long did this whole incident take...

A: Uh...

Q: ...including from the time she goes over there, you came, the phone, find out she's over there to the time that you say she's walking away when you're out there already, walking?

A: Uh, probably three or four hours.

Q: Three or four hours? Um, during those three or four hours, where were you at specifically? Were you in different spots, were you at your house, out- outside?

A: I was - I was - yeah, I was mostly at my house. Like I said before, I had taken apart her bed and moved uh, some of her belongings into the garage because initially I was pretty pissed that she would - she would take off and, you know, go to another guy's house and stuff like that. So initially I said, you know, "Enough's enough, I don't want anything to do with this girl," and then I sat there and thought about it and realized that, you know, that the - because of my - my previous relationship with - with my marriage, that it'd just, you know, gone bad, you know, I really wanted to try and make this relationship work, 'cause at - at that point I really cared about this girl and I really cared about her son, so much so that I brought them in and, you know, I took care of them, um, so I really wanted to make it work and I was concerned for her safety - I wanted to know where she was. I wanted to talk to her. I wanted to, you know, do - do the things that you do when you - when you make a relationship work, tell her, "Hey, this isn't that big of a deal. Come home and, you know, we can talk about it. I'll put the bed back together," and things to that effect.

Q: Moving on, um, to a different subject. Did you ever uh, transport ([redacted]) or any of her friends in your patrol vehicle while on duty?

A: Yes, I did that - the night during that investigation.

Q: That investigation?

A: Mm-hm.

Q: Besides that investigation, any other times?

A: Uh, she did a ride-along with me once.

Q: Okay. How often did she do a ride-along with you?

A: She just did it once.

Q: Okay.

A: But other than that I never transported anybody, and that night when I transported, I - I followed normal procedure in - in changing locations and - and - so on and so forth.

Q: Okay. Um, when - when uh, I'm gonna refer to ([redacted]) as ([redacted]), if that's okay?

A: Mm-hm, that's fine.

Q: Um, when ([redacted] went on a ride-along, obviously you'd got - went through the proper procedure?

A: Mm-hm.

Q: Filled out the proper forms?

A: Yes.

Q: Okay. Um, we have no record of any of that - of those - that ride-along form.

A: Okay.

Q: Of that. Did you submit it at the end of shift?

A: Um, to the best of my knowledge I did. Uh, every - every time I have a ride-along I - I submit. I - I definitely - I definitely cleared her riding along with me with - with the supervisor.

Q: Who was supervisor at the time?

A: I didn't - I don't recall. It was either you or Sergeant ([redacted]).

Q: That would have been before our shift, we...

A: Okay. Then it was probably Sergeant ([redacted]) - or Sergeant ([redacted]) at the time.

Q: You're not sure which then?

A: I don't - I don't remember which.

Q: Did you uh, did you log her in through dispatch as a rider?

A: Um, I did not. I - I didn't start doing that until that - there was an email or it was put out in briefing or something that that was the...

Q: Right, but then some did, some didn't, so - so I was...

A: Yeah, I - I didn't previous to that, no, on any - any rider that I had.

Q: But the - so you're not sure - you can't actually remember - I know it's awhile ago, submitting the a- that - that ride-along form at the end of shift?

A: I - honestly, I - I normally do. I don't remember specifically that one. I mean there - probably two weeks before that I had my mom come ride along with me. I mean I don't - I don't know if you guys have record of that ride-along form as - as - as well. I mean I had them fill them out and sign the things, um, I - I don't know if - if I submitted it. I don't know.

Q: Okay. Um, when you transported um, ([redacted]) and her friend that night of the investigation, did you drive in a reckless manner or anything?

A: During the night of the investigation?

Q: Yeah.

A: Absolutely not, no.

Q: Any other times that you might have transported somebody, did you drive in any reckless manner?

A: No. During the - during the night she did a ride-along with me, I had to drive Code 3 to a um, to a - a TC.

Q: Okay. Where were - where were you at, do you remember?

A: Uh, it was down Herndon. I came from the vicinity of uh, probably Villa and Herndon, and the TC was at uh, Clovis and Herndon. Officer ([redacted]) was the uh, investigating officer, but then I just assisted him when I got there.

Q: Okay. The night of the ride-along, um, did you bring her to your briefing?

A: No.

Q: What arrangements did you make for the ride-along with her? What, did you pick her up or did she come here?

A: Um, uh, I'm trying to think - I don't think she came here. I think I picked her up at her mom's house.

Q: So the ride-along was prior to you guys moving in together?

A: Yes.

Q: Okay. And how long - do you remember about how long she rode with you?

A: Um, it was probably three or four hours or so. We handled that TC at Herndon and Clovis, and the other significant thing was there was a DV that took place, um, up off of uh, Ashland and - and Fowler, where I ended up uh, arresting a female and uh, and coming to the jail. She came with me to the jail.

Q: Okay. Did uh, you ever leave the City limits without permission from your supervisor to pick up ([redacted])?

A: No.

Q: Is there any reason why your patrol vehicle's MVT would be pinging off cell towers in Fresno?

A: Cell towers in Fresno? Mm-mm, not that I know of. You know what, there was a uh, there was a situation where - where she was intoxicated in Fresno and uh, and I did go pick her up. There was one time I picked her up in Fresno when she was intoxicated and - and couldn't get a ride home.

Q: Did you clear that through your supervisor?

A: I believe I did - I - it's unlike me to do something like that without clearance from my supervisor - I don't remember specifically. Um, I usually clear everything through my supervisor, so I'm - I'm - I'm assuming that I did.

Q: In relation to the investigation that you did, where they rode - her and her friend rode with you...

A: Uh-huh.

Q: ...how much time had passed when you picked her up in Fresno, when she was intoxicated?

A: I don't have the slightest idea.

Q: Yeah, I'm just trying to get a time period. Do you have any idea when that was?

A: Um, it was, uh...

Q: A month?

A: Months, probably a couple months.

Q: After? You have a general month?

A: I don't have the slightest idea.

Q: All right. And what area in Fresno did you go pick her up at?

A: Uh, near River Park somewhere.

Q: Blackstone and Nees area?

A: Uh, yeah. Like I said, I normally clear all - any time I leave the City for anything, no matter how, um, important or not important it is with the supervisor, and I believe I did it on that night - I don't recall who the supervisor was at that night. It was definitely on the weekend shift that I worked for three and a half or four years.

Q: Um, if that's the case, how would you have asked - made that request?

A: Uh, I would have - I'd call - well, I did it once before where I called on the phone and said, "Hey, I've got a buddy that's here and he - he's intoxicated and needs a ride. Is there - nothing's going on right now, is it - can I run over there and pick him up real quick and get him - get him to his place he lives in or city?" and I was able to do that.

Q: Did you do that with...

A: Uh, I don't know - that was awhile ago. Uh, I was in - I was in the Crown Vic when that happened. That was, uh - I don't recall, but I - I remember making the phone call and asking - asking permission.

Q: Just asking about that?

A: Yeah.

Q: Okay. So you assume that you did but you can't say that you actually did?

A: No, I - just by rule of thumb, any time I leave the City, I contact whoever my - my supervisor is.

Q: Okay. During - during that time when you gave a ride when she was intoxicated, did you drive in a reckless manner back to the City?

A: No, I never drive in a reckless manner, especially when somebody's in the vehicle.

Q: Um, when you were on light duty uh, last year during New Year's Eve...

A: Mm-hm.

Q: ...you had - you had mentioned earlier, um, you and ([redacted]) did a - did a gig at uh, the Tachi Palace...

A: Mm-hm.

Q: ...the casino. Um, I know you were - you were back on light duty, working up in dispatch during that time.

A: Yes.

Q: So you were completely off of uh, on OGI, about to return back, correct?

A: Right.

Q: What was your restrictions during that time?

A: Uh, my restrictions were at that time - there was no running or cycling or elliptical.

Q: Okay. Um, what was - what did you do?

A: I stood still for, uh, 45 minutes - twice for 45 minutes.

Q: Okay.

A: As a - as a statue.

Q: Twice, 45 minutes? You were out at the - I guess at the job until - a four-hour period that you guys had to be out there?

A: Uh, yeah, I'm not sure that it lasted for four hour- four hours though. Uh, maybe it did - I don't - I'm not for certain. I know that I stood for 45 minutes

and then we would have a break, and then I would stand for 45 minutes and have a break. I don't recall it going for - for four hours.

Q: You had mentioned uh, that you had - how many, 70 CC's of fluid in your knee? Or what did you say...

A: Uh, that - that was - this thing was in January. The fluid was uh, was drained previous to this.

Q: Previous? Okay. But the - was the knee better during that time?

A: Uh, uh, like if I was standing, yes, it was - it was definitely better. It wasn't swollen at that point.

Q: Okay. Do you re- I mean do you recall any issues when you were standing there?

A: Uh, no, I don't think so.

Q: Okay. I have photos - you seem to recall the incident. Do you need - need any of those photos to know what I'm talking about or anything?

A: No, I know exactly what you're talking about.

Q: Okay. Um, did you get paid for that?

A: Uh, yes, we did.

Q: Okay. How much did you get paid?

A: Um, she got paid - I believe it was - it was $400 for - for the both of us doing that.

Q: Did - did both of you split the money, she take the money?

A: She took the money.

Q: Okay. Did - how did sh- that money get used? Did it get used for house stuff or personal stuff?

A: Um, I believe she used that money to purchase us a new bed.

Q: Okay. Going back now when you guys met, um, was ([redacted]) still living with her parents...

A: Mm-hm.

Q: ...um, where - where is that residence at? Do you know the address?

A: I think it's like [redacted] or [redacted] something [redacted] - [redacted]

Q: [redacted] sound right?

A: Something like that, yeah.

Q: Okay. How often did you go over um, ([redacted])'s parents' residence?

A: Um, I went over there from - from time to time. Uh, while I was working, I assume is - is...

Q: Well, I'll get into actual duty...

A: Um...

Q: ...but just in general?

A: ...for a - a period of time I was staying there.

Q: Oh, you did?

A: Yeah, for a period of time I was staying there. Um...

Q: What time period to what time period?

A: Um, probably the end of May through June, or maybe the beginning of June until we moved into this place in July or something - something like that.

Q: Now while on duty, how often did you go there?

A: Uh, from time to time. I don't - it wasn't like every night or anything like that. When she had her son, I would go by there and - and let him and the neighborhood kids see - see the car and - and stuff like that, you know, while it was still daylight hours and stuff. While I was staying there I'd go there from time to time if I'd forgotten something or I needed to pick something up, or to get a cup of coffee or to eat something or - or something to that effect.

Q: Um, so you - you work in the weekend grave shift...

A: Mm-hm.

Q: ...which is Friday, Saturday, Sunday?

A: Mm-hm.

Q: Uh, on a Friday night - one day at a time - how often would you say you went to - to that residence while you were working?

A: I - I don't know what you're asking me, to be honest with you. Um, I - there - there was no set number of times that I - I ever went there on - on one occasion. I mean there was times I - I parked in the cul-de-sac and worked on reports there. Um, uh, from time to time like I said if I wanted to get a cup of coffee...

Q: Tell me what "from time to time?" I mean it's - it's, uh...

A: Like time - like clock time wise is?

Q: Well, no, I'm just - did you go there, you know, three times a night, four times a night?

A: It was nothing ever set. Um, some nights I didn't go by there at all, like I said. Um, other times, uh, like if - if it was a night where I was tired or something like that and I needed a couple cups of coffee, I'd pop in, grab - grab coffee and leave or um, I ate there on - had food there. Had, you know, food in the refrigerator and stuff there, so I would go there and get food. Um, and like I said on - on a couple of occasions I - I went by there and handed out stickers and talked to, you know, kids in the neighborhood and stuff like that.

Q: During these times when you'd drop by, um, were uh, ([redacted])'s parents typically there?

A: Uh, on - sometimes they were - her mom was.

Q: Okay. And she lives there with uh, her husband, which is her step-dad - ([redacted])'s step-dad?

A: Yeah.

Q: And, um, what was the average when you went there? I mean obviously - did you stay there certain times - if you were there to eat how long were you there? If you went for - for I guess Code 7, did you put yourself out for Code 7?

A: I normally don't put myself out for Code 7. I'd go by there and - and pick up whatever I was gonna eat, or maybe stand there and eat for a second, and if a

call came out I'd respond to the call. It was close to my beat. Um, I - that's - that's the way I kind of handled - I - on that shift I rarely took Code 7 unless I was tired and needed to go lay down for 15 or 20 minutes, or something like that.

Q: Um, so kind of going back, so how long would you stay there at any given time?

A: I don't think there was ever - there wasn't a set amount of time, I mean it varied for what my purpose was there. Sometimes I parked in front of the residence and did reports. Um, I - I don't know how to answer that beyond that.

Q: Um, if you went there, like I said - I guess you said depending what the purpose was, if you went there to get a cup of coffee, you got the cup of coffee and left?

A: Well I - I - you know, I - I wouldn't run in, grab the cup of coffee and leave, I - you know, usually I would have texted or arranged with her that I was coming over there and see if she could, you know, make the cup of coffee, and then I would have the cup of coffee and on a couple occasions, sat - sat there and talked with her for a little bit, and then got back in my car and left.

Q: Would it be unlikely for you to spend 45 minutes, an hour, hour and a half there?

A: If I was working on reports, no. Um...

Q: How about visiting with ([redacted])?

A: I don't recall ever staying that long specifically visiting with her.

Q: Okay.

A: Dur-during that period of time I was - I was pretty busy, uh, during the shift so I don't recall staying there for that - that long of a period of time ever.

Q: Okay. Did you ever have sex with ([redacted]) while on duty?

A: No. The only thing I ever did while I was on duty is uh, a couple of times when I was tired I - and I took an official Code 7, I'd go over there and lay down for a little while and try to take a nap. Um, never had sex with her when - when I was on duty there.

Q: Did you ever not answer a call for duty?

A: No.

Q: Okay. When you were there, if a call came out, you left and...

A: Absolutely.

Q: Okay.

A: Absolutely.

Q: Would you handle any calls for service from ([redacted])'s parents' residence?

A: Repeat? I don't understand what you're asking me.

Q: If a call came in telephonic or something, or one example, would you - if you were there already, would you just stay there and handle it from that location?

A: Um, from my car if I was working on reports or - or...

Q: I don't know, you tell me - you tell me.

A: I don't remember any specific incidence where I would have. Um, I handle telephonic calls from my car all the time, depending on where I'm at in the City. Um, so again, it - it wouldn't be something very far-fetched to say that I - I handled a telephonic call for service while my - while I was in my car parked in front of that residence if I was working on reports there, or whatever reason I was there.

Q: You don't recall anything specific though, you just...

A: No.

Q: Okay. Did you ever engage in any sexual activity inside your patrol vehicle?

A: Never.

Q: Um, any kissing in your patrol vehicle?

A: Um, I don't know if it'd be construed - viewed as being in my patrol vehicle. I mean like when I got ready to leave or whatever, I'd kiss her goodbye, then get in the car and leave. Or, um, or I believe there - there - on maybe one occasion or so, she brought the cup of coffee at to me - out to me 'cause I was in a hurry or something, and, you know, she leaned in the car and gave me the coffee and I kissed her goodbye, or something to that effect.

Q: No, that's not what I'm talking about. I'm talking about her in your patrol vehicle and you guys making out essentially?

A: No.

Q: You've never done anything like that?

A: No.

Q: Okay. No heavy petting, nothing like that?

A: No.

Q: Okay. Any reason why there would be any type of body fluids in your patrol vehicle?

A: Body fluids?

Q: Bodily fluids?

A: No.

Q: Okay. Move on to another - like I said, you'll start seeing the different allegations as we move on through different questions. If you need any clarification at the end, we'll clarify a little bit more. Um, have you ever used steroids while being employed with the City of Clovis?

A: No.

Q: Any reason why you would think you'd be accused of using steroids?

A: Because I'm a bigger guy. I don't know. I've been accused of it a couple times.

Q: By who?

A: Um, just in general over the course of the last five years. I played in the football tournament and I heard somebody on the sidelines say, "Hey, that guy must be using steroids 'cause he's bigger than he was last year." No, it's - that's not the case, you know.

Q: Have you ever received any steroids from any doctors for any of the injuries that you - you've had?

A: Like steroid injections, uh, I believe um, Cortisone's considered a steroid injection. I've had a million Cortisone shots into joints and stuff.

Q: Yeah, I know. Anything besides that?

A: Um, I did this, uh - well, I don't think I - I wasn't - I wasn't working here at - at the time. When I'd come back from Afghanistan and had shoulder problems, I had a couple surgeries and uh, Dr. ([redacted]) and ([redacted]) did this procedure where they remove your platelet-rich blood and they mix it with some sort of - some sort of growth steroid thing and - and inject it back into my shoulder. Uh, but that was while I was still on active duty, and I - I wasn't back here yet.

Q: You know what kind of steroid he used during...

A: I don't have the slightest idea.

Q: But he told you it was some type of steroid?

A: Uh, I believe so. Uh, I don't know exactly what it was. It - it - it removes the platelet-rich blood from your blood and it's like this gooey, creamy looking stuff and then they mix it with some sort of - I don't know if it's Cortisone or something else, and then they inject it back into the area where - where you've been injured or something to that effect.

Q: Okay.

Q1: How long ago was that?

A: Probably in uh, 2007 or '08.

Q: And you were still on active duty and you said got back from Afghanistan?

A: I had come back from Afghanistan but then I remained on active duty for like another nine or ten months, because I had to have an elbow surgery and a shoulder surgery and stuff like that.

Q: Right. Have you ever used Human Growth Hormone?

A: Human Growth Hormone?

Q: HGH?

A: No.

Q: No?

A: No, I've used IGF. I'm currently using IGF - it's sold over the counter.

Q: Right. Well, yeah. But see, the Human Growth Hormone is not, it's...

A: I mean it's something to do with something that produces Human Growth Hormone is - is the thought behind it, but no.

Q: Then it's legal? That's...

A: Yeah.

Q: Yeah, okay. Would you be willing to submit to a drug test?

A: Yes.

Q: Okay.

Q1: We'll talk about that.

Q: Okay. Um, we'll get a facility and we'll get in touch with you, and then we'll go from there.

Q1: And you - you haven't um, gone to any - recently any current doctor in the last year or two in regards to any like testosterone supplements or anything?

A: Oh, I've been - I've been - uh, let me back up, I'm sorry. I have been prescribed a testosterone gel.

Q: By which doctor?

A: Um, his name is Dr. ([redacted]) or something like that, he...

Q1: Common spelling on that?

A: He's - he's located on - on King's Canyon and Clovis - this guy's the doctor that the Army appointed to me, um, during the course of - of my surgeries and stuff like that. Um, and I've just continued to see him. Uh, a few years back I went and saw him because I was feeling lethargic and I'd put on weight and stuff like that, and he prescribed me a uh, a testosterone gel that you rub on your chest and stuff like that, and I've continued to use that from time to time.

Q: And that's for being lethargic?

A: It's to increase your testosterone.

Q: I know but you're feeling that's...

A: Yeah.

Q: ...the reason you got it, because you were feeling...

A: Yeah, I was feeling lethargic and - yeah, that was the main symptom that - that I had when I went in and talked to him.

Q1: And he's at King's Canyon and Clovis?

A: Yes.

Q1: Do you by any chance know an address for him or - provide it?

A1: Yeah, we can get that for you.

Q1: And when was the last time you went and saw him?

A: Um, I saw him probably four or five months ago. I'm not sure it was for that issue though, I - I don't recall why I went and saw him.

Q1: Is this your like primary family doctor, or do you just go to him for...

A: I don't have a primary family doctor. If - if I have something that needs medical attention he's usually who I go to, because I can get in and out pretty quickly.

A1: And he prescribed you the AndroGel, is that what...

A: Yeah, yeah, AndroGel.

Q1: And have - has he provided you any of the testosterone shots, the actual injections?

A: Um...

Q1: Other than the gel?

A: Yeah, I did get one - I did get one shot there. This was uh, I believe it was his PA that did it - because I wasn't seeing any results from the - the gel.

Q1: And you've only gotten one shot?

A: Mm-hm.

Q1: And how long ago was that?

A: I don't recall. Probably, uh, a year or so ago.

Q1: Okay. And with you not seeing any results, you're still using the gel?

A: I use it from time to time. Um, the tricky part about it is you can't have it around children or - or women, so, that's the tricky part about it - you can't wear it and then be around children or - or women, 'cause if they get it on them or something, something bad happens.

Q: You don't - obviously you don't use it when you have your son?

A: I don't use it when I have my son. I'll - I'll use it from time to time.

Q: How long does it last? How long are you supposed to stay away from women and children I guess when you use this?

A: Until you take a shower, I guess. I don't know if there's a specific, set time.

Q: Okay. Um, I'm gonna get into your uh, military time off now. Have you ever submitted any military time off and you did not attend training?

A: Um, there was one instance that I can think of off the top of my head that happened in August of this last year, where I had - I - I don't know if you recall the conversation or not, but I had talked to you about it. There was uh, I had some stuff that I - I wasn't for sure if I was gonna need to go to San Diego to do or not. It was very - kind of - it was signing some - some paperwork, signing an evaluation. And uh, I didn't know until Friday - I - I didn't know until Friday that I was gonna have to go or not. Friday came and I worked on Friday night, and my intention was that on Saturday morning when I got off work, I was gonna drive straight down there, sign the paperwork and then come back, and not work on Saturday night. Um, I drove - I got to like Bakersfield or somewhere, and I was notified, "Hey, your - your stuff's not gonna be ready," so I drove back, came uh, came back home, got home sometime in the afternoon and I was tired, so I slept that night and didn't go to work on Saturday night, and then I came to work on Sunday.

Q: Okay. Yeah, we - we deleted Friday's military time off and Sunday's military time off during that time, correct?

A: I think so. I - I...

Q: Saturday, were you...

A: There - there was a couple of situations that um...

Q: We'll go through it and like I said when we get to August, I think it'll...

Q1: Mm-hm.

Q: ...explain what you're talking about. Besides - besides August, any other time?

A: Um, on - any - any time that I submitted for military time off, I did something military-related. Um, it might not have been - the - the tricky part about this whole thing is from - from about June - kind of the time that I met [redacted] - from June until pretty recently, um, it's been a - it's been a weird kind of a timeframe for me in the Army. Previous - previous to June I was in a Civil Affairs Airborne Unit that was in San Diego, and I was a Company Commander there for almost - I think it was like 18 months. And during that period of time there was a lot of responsibility, there was a lot of work for me to do. It was essentially like having another job. I was responsible for - for my soldiers and stuff down there, so much so like one attempted suicide and got put in a hospital down there, and during the week one time I had to go down there to - to see if he was okay, to report to my boss. That's - that's what you do. That's what you do when you're in that position. In January of 2011 I went to a school. It was like a week or two - weeklong or two weeks long.

Q: Actually we'll go down - let me - let's just start going down that way. Um, it's a little bit more organized.

A: Okay.

Q: Um, I'll show you - so you have some reference...this will be Exhibit 14. This is your um, Planned Time Off Overview...

A: Mm-hm.

Q: ...for 2012.

A: Mm-hm.

Q: So it goes - it goes backwards, kind of - December, so we'll go - so this essentially would be the first one.

A: Mm-hm.

Q: Which was submitted...

A: No, that would have been the last one.

Q: ...January 2012?

A: Okay.

Q: Right?

A: Yeah.

Q: Okay. If you want to start there and then we'll just kind of work that way. If you need to, reference it, if you don't, then...

A: Okay.

Q: These are the dates that I'm gonna be referring to.

A: Okay. So I - yeah, I went to the school in January. Um, I came back - I believe I went back to work for a short period of time, and then I went to two schools back to back that took me through February and - and the end of March. Those schools were in uh, Fort Bragg and then at Fort Benning.

Q: Okay. Let's - let's slow down here. You jumped into - you're in March already?

A: Mm-hm.

Q: Okay. Going back to this one, this January, February, um, you - it's - you have this listed as military school, CAQC.

A: Mm-hm.

Q: What is that?

A: January and February?

Q: January.

Q1: He's asking you what's this?

A: Uh, that stands for Civil Affairs Qualification Course.

Q: Okay. And then the dates...

A: That's something else - something else to consider in this is that I - I've traditionally put in for all my military time off at the very beginning of the rotation.

Q: Mm-hm.

A: And some of these schools - and some of these schools, the dates got pushed to the right to the left or whatever for whatever reason, because there was three of them that I needed to attend in a short period of time, because after coming back from my deployment I hadn't gone to any schools for a little while, and to continue progression, you have to go to these schools. So I was trying to do them all close to one another, and I had the opportunity to do that between January and March, and that was at the time that I had broken my hand, was leading up to that, so I was trying to recover my hand in time to get to these courses. So the first one that I went to was in Atlanta, Georgia, and it was a very - it was a very desk-oriented, listen to people talk, PowerPoint presentation type.

Q: And that's these dates that we're covering here?

A: Uh...

Q: January...

A: ...no, that is not the CAQC, um...

Q: Let's go through this first, okay.

A: Okay.

Q: What school was this and where was this at? Did you attend this training? Whatever...

A: What are - what are the dates?

A1: These ones right here.

Q: Actually...

A: The one in January was in Atlanta, Georgia.

Q: Give me a date here - 27th, 28th, 29th?

A: Yes.

Q: Okay. Where - where was that at?

A: That was in Atlanta, Georgia.

Q: Okay. Where did you stay?

A: Um, at a hotel in Atlanta, Georgia.

Q: You don't remember which one?

A: No.

Q: Okay. And what was that training for? You said it was - it was kind of...

A: It - it's - that training is called the Company Commander's Pre- Pre-Company Commander's Course or something like that - you're supposed to take that course before becoming a Company Commander. I didn't take it before becoming a Company Commander, but I needed to take it for my professional development nonetheless. So that's when I went and took it.

Q: Okay. And you don't - like you said, you don't recall the hotel you stayed in?

A: No.

Q: Who did you - did you go there with anybody?

A: No, I went by myself.

Q: Okay. And that training, obviously you see the dates there. Um, how long was each training day? Was it eight-hour days?

A: I guess, yeah, eight-hour days.

Q: Did it vary?

A: Um, I - I...

Q: It's been a - it's been awhile though.

A: ...rule of thumb's eight - eight hours, ten hours, I - I don't know. It was all PowerPoint presentation in style stuff. I believe it was for a week long and uh, and these two weekends would have been on either - either end of the week.

Q: And you kind of already mentioned, but what kind of activities did you do? You said PowerPoint classroom stuff?

A: Yeah.

Q: That's all it was?

A: Yeah, there wasn't any physical activities or - or anything like that.

Q: So the next one would be this one here. We'll be looking at these dates. So, let's see, since you're looking, the dates we're looking at - February 10th, 11th, 12th, 17th...

A: Mm-hm.

Q: ...18th, 19th, 24th, 25th, 26th.

A: Mm-hm.

Q: And that's under the same military - the um, CA...

A: That's the CAQC.

Q: Okay.

A: That's the qualification for...

Q: And that's - that's the same type of - different school...

A: Different school altogether, yeah.

Q: ...than the one in Georgia? Okay. So you attended that one?

A: Yes.

Q: Um, and what - where did you go to this training?

A: Fort Bragg, North Carolina.

Q: Fort Bragg? Okay. And those dates that I just went through, you said you were there the entire time for that training in Fort Bragg?

A: Yes - yeah, that's - I'm - I had left for Fort Bragg and then I didn't come back - I went from Fort Bragg straight to Fort Benning for the next school.

Q: Okay. In Fort Bragg, um, where did you stay there?

A: Stayed at uh, the Fort Bragg Lodge, where the - I think it's called the Airborne Inn or something like that.

Q: Okay. Did you go with anybody? Did you train with anybody?

A: I meant there was other people in the class...

Q: Sure.

A: ...but nobody from here.

Q: Okay. You - from your unit, you...

A: Right, I went by myself.

Q: Okay. And going back to the um, training day, same thing? Eight hours, same time?

A: Well the - I mean there's - there's a - a field period to this one, so in some situations you're working 18, 20-hour days.

Q: What do you do in a field period?

A: Um, they invest a lot - there's a lot of like role playing type - type of scenarios and stuff, where you're out and about, interacting with people and trying to - there's a storyline that - that's established and you go out and you're interacting with people trying to solve problems essentially.

Q: Okay. And that just keeps going until...

A: And it just keeps going 'til it's over - the field portion of it I believe was like four or five days long. The rest of the time you're in a classroom environment - it's - it's pretty uh, academic intensive, so there's a lot of studying involved, and - and stuff like that.

Q: Okay. So activities involve classroom academics, field training? Okay. The next one would be I guess the - their school that you made reference to already.

A: Mm-hm.

Q: Um, the dates are March 2nd, 3rd, 4th, 9th, 10th and 11th.

A: Mm-hm.

Q: Where was that training at?

A: Fort uh, Benning, Georgia.

Q: And that was another portion of this Commander school?

A: No, this was different courses.

Q: Oh.

A: That's called the Maneuver - Maneuver Captain's Career Course, and it's a two or three-part course, I took Part 1 of it back in like 200- whatever, before I went to Afghanistan, so 2004 or '05 or something.

Q: Do you recall where you stayed on that one?

A: Um, I stayed in the lodging on Fort Benning.

Q: The actual base?

A: Mm-hm.

Q: Okay. And once again, did anybody from the unit go with you?

A: Hm-mm.

Q: Anyone? And what activities did that entail for this?

A: That was classroom oriented stuff as well, but there was - there was daily PT that I participated in as best I possibly could, but coming - coming off of my head injury and then having been in this other school I wasn't in great shape to be doing - to be doing organized PT with everybody, so uh, I did limited stuff.

Q: And this one didn't involve any - any field exercises and training like the other?

A: No.

Q: Okay. All right. This next one is - it's broken up but the dates are uh, April 27th, 28th and 29th.

A: Mm-hm.

Q: And they're just listed as "Drill."

A: Okay.

Q: Did you attend these trainings on these dates?

A: Uh, yes.

Q: Okay. Where was the training at?

A: Uh, San Diego.

Q: Did you find it?

Q1: Mm-hm.

Q: Um, so specifically where in San Diego?

A: Uh, at the - I don't remember specifically what I did in April. I think I was - it - it was - it would have been at the - the Drill Facility or Camp Pendleton or Miramar or Coronado are the - the four places that I'm at when I'm in - I'm in San Diego, sometimes I'm in all four places, sometimes I'm there one place - it just depends on - on what I have going on.

Q: Mm-hm. You don't - like I said, you don't recall specifically which...

A: I don't recall specifically what happened in April. I - I believe I - at this point I wasn't in command anymore and I was handing over - I was in the process of transitioning with uh, the new Commander that was taking over, and if I remember we did uh, we just did some face to face stuff and I turned over some uh, like a - a binder that had a bunch of information in it and things of that effect.

Q: Where did you stay?

A: Um, during that training I either would have stayed at - I would have stayed in a hotel.

Q: Those are different ones or you stay in the same one?

A: No, I stay in different ones when I'm down there - there's probably three or four of them that I stay in. Usually a Marriott, uh...

Q: Which one?

A: Um, well there's one that's - that's close to where the Drill place is. I don't - I think it's called the - that's the Marriott, um, I don't know what it's called - it's - it's close to where the uh, where I-5 splits, if you're going down into San Die...

A1: Let me stop you for a minute.

A: Mm-hm.

A1: Wouldn't you have a record of where you stayed?

A: Uh, potentially, yeah.

A1: Like an ATM card or something?

A: Sure, yeah.

A1: Okay. We can get that for you...

A: Yeah.

A1: ...if that's what you need.

Q: Yeah, I think that - yeah, so you'd be able to get any type of records where you stayed?

A: Sure, it - it was either in a Marriott or um, on uh, MCRD, which is the Marine Corps base that they - they house us in.

Q: Okay.

A: It depends on - on what activity I was doing that - that weekend.

Q: Okay. Um, the April training, so you don't recall what training location. Do you recall who you trained with?

A: Um, this is during that transition period, so I really didn't do too much training, honestly. Um, I was - I - I...

Q: Right now just specific to April.

A: Specific to April?

Q: Okay.

A: So, um, I don't - I don't recall.

Q: You just - okay. You just uh, you mentioned meeting with the Unit Commander that - talking to him?

A: Right.

Q: Okay. Who took over?

A: His name's [redacted].

Q: Do you know if he's still the Unit Commander?

A: I don't know.

Q: Um, these training days, different than the - the schools that you went to. How long were these training days?

A: There wasn't any set period of time. Like I said I - during this portion of time from like April on or whatever, because I was in this transition period and I was waiting on evaluations of my transition paperwork and - and things to that effect, it was completely different than how things were in the past before I went to the schools, where we would have a set training schedule, um, and I was the Company Commander and I was there to insure the training was met to standard, and that all my soldiers were there and so on and so forth, and at this point...

Q: So for April, you didn't have a set training time?

A: Uh, I'm sure there was a set training time - not one that I had put together, and not one that I - I needed to be there for. Because I was on active duty, um, during the time where I was at those schools, I achieved the amount of points necessary to have what's termed a "good year" in the Reserves. So I really wasn't concerned with - with showing up - I - I'd only drill for points - I don't get paid for the Reserves unless I'm on active duty.

Q: Okay. But specific to April...

A: Mm-hm.

Q: ...you said you were in transition period. You put in for the 27th, 28th and 29th?

A: Mm-hm.

Q: What did - what did one of those days entail? I mean what are the times that - I know you said you were required to be there, but...

A: Yeah.

Q: ...you put in for the time. What were you doing?

A: Two of the days were probably travel to be honest with you, from - from here to San Diego, um, because it's - that's a - that's a long trip, and then uh, it was either on...

Q: Six hours?

A: Mm-hm. Um, it - it would have been - like I said at - at some point, I believe it was this month, I met with the incoming Company Commander, I gave him a - it's called Leader's Book, it's a binder, and we - we discussed the particulars about some of the - some of the soldiers in the Unit.

Q: Okay. I'm just trying to get an explanation as a, um - it is a long drive, but it's what, six, seven hours tops with bad traffic?

A: Okay.

Q: Depends on when you leave?

A: Mm-hm.

Q: You said it's sometimes two days of travel. What did you do to take you two days - if it took you two days to get over there?

A: What do you mean? What...

Q: Well you said sometimes two days you said of travel time.

A: I...

Q: Why would that take you two days to get there?

A: Because I - I would leave on Friday and come back on Sunday.

Q: Okay. Now I understand that. What, so Sunday was - Friday was a travel day, Sunday was a travel day?

A: Um...

Q: There was no training on those days?

A: There were people doing training on those days, yes, and again, I - this - this was a different period, something that I - I wasn't used to at this point, um, where I was in - I was in transition. I didn't need to be there for - for points, I wasn't there for money, 'cause I didn't get paid for them. But I - I felt that I had an obligation to be there and to - and to show my face and see if there was anything that I needed to do to expedite either my transition or me getting my evaluations at that point.

Q: Okay. Just so I get an understanding, before this transition period, when you had a weekend...

A: Mm-hm.

Q: ...and it was - it was a Fri- say for example, Friday, Saturday, Sunday...

A: Mm-hm.

Q: ...for a transition period, what would - what would training entail?

A: Um...

Q: I mean I know it's different every time...

A: Right, it's - it's very few - there's very few and far between - in this Unit weekends that are just a Saturday, Sunday type drill - they're usually like a Friday, Saturday, Sunday deal. Um, so I would travel down there on the - on the - on the days that there was a - where Friday training was scheduled, I would usually leave like super late at night on Thursday, drive straight through the night, get there first thing in the morning on Friday for formation, uh, and then there'd be set - set training, some - some sort of training. We'd go shoot or um, there was - we'd jump out of airplanes, um, there's a whole host of different things that we would do. And previous to this period of time I was the Company Commander, so I was directly involved in that. I planned and resourced all of that training, um, so I had to be there - it was my responsibility to be there to make sure that it was done to standard for these guys. Um, and then, you know, the same thing would happen on Saturday, and we usually reserve Sundays for administrative type stuff, we do paperwork and what have you, and then I usually leave on Sunday at about 1700 or so and drive all through the night and be back. And that schedule, doing stuff that way became very strenuous on me. I'd get very little sleep through the weekend that I - I would be there, and there was instances where I'd be driving back and have to pull over on the side of the road and sleep, and - outside of LA or on the Grapevine somewhere, or so on and so forth. And -

and frankly I was tired of doing - doing that. I didn't have the - the responsibility on my shoulder of being a Company Commander anymore at this point, and uh, you know, there real-really wasn't a need for me to be there to supervise the training, 'cause it wasn't the training that I had planned or resourced anymore, so I utilized the - the Friday and the - and the Sunday to travel down there so that I - I could get down there, take care of whatever I needed to take care of and come back.

Q: Okay. And in May, you had training scheduled, but you actually had uh, six to - six days during that time.

A: Okay.

Q: Did you actually attend training or did - were you sick for that - weekend training?

A: If - if I was sick, I was sick. I - I don't recall.

Q: Yeah, well if you - if you look at this, it just shows that at May 19th and 20th...

A: Mm-hm.

Q: ...where you're sick, which on that weekend your - your scheduled training for your Unit was...

A: Mm-hm.

Q: ...May 18th, 19th and 20th.

A: Okay.

Q: I mean did you attend training during that time?

A: I - I don't recall.

Q: If you would have been sick, from the Department, more than likely you probably wouldn't attend the training? Is that safe to say or...

A: More than likely, yeah.

Q: Okay. The entries you'll see, uh, Request Title, there was Police Games.

A: Okay.

Q: And there was a weekend that you submitted that was declined due to minimum staffing, and (unintelligible) says "Bolt" - where you (unintelligible) time...

A: Mm-hm.

Q: ...and they suggested doing a shift trade - try a trade?

A: I did do a trade.

Q: Okay. And it was for those days?

A: The ones that were declined, yeah.

Q: And then you submitted, um, some time off - the next time off submitted was June 22nd, 23rd, 24th?

A: Mm-hm.

Q: And Request Title is Drill?

A: Mm-hm.

Q: Um, and there's a note in there, if you look at the actual entry where uh, Lieutenant ([redacted]) said that you had exhausted your military time for the year, and basically essentially what time bank or bucket did you want to burn...

A: Mm-hm.

Q: ...for that drill time.

A: Okay.

Q: Did you attend training on that specific days?

A: Um, I - I did some sort of military training during those specific days, if I - if I took military time. Um, I believe in June - I believe in June what I had done was a - either June or at the beginning of July I did a - a range recon of some - or I went and checked out some ranges at um, Camp San Luis Obispo, because I knew I was gonna be transferring to a unit in Dublin, and part of - part of what I do - I've been in three different units with the same group of guys, and all these guys are drill sergeant qualified people, and to maintain that qualification so that later they can progress in - in their careers, um, what we do is we try to get in and - and do as much training as we possibly can

with what are called soft skill MOS's, which are like transportation people or cooks, or people who do logistics and stuff like that, where we go and we run a range for them or something like that. And there's a - a National Guard population at both Camp San Luis Obispo and Camp Roberts, um, that I was trying to network with to get into be able to do this - this type of training. Um, also there's - there's a requirement for um, to be the Officer in Charge of any of the ranges on either of those two facilities, there's a video and a test that you have to take as far as like environmental stuff's concerned, um, and I believe it was in June - it was the Saturday in June, it was scheduled for that day and I got there, and they - they didn't have it. They didn't have it for me to - for me to do. Um...

Q: Where was the - where would that training have been at?

A: Camp San Luis Obispo.

Q: San Luis Obispo?

A: Mm-hm.

Q: So you went to San Luis Obispo?

A: Mm-hm. If that - it was either the June or the beginning of July.

Q: Well we're gonna get into July training, so...

A: Okay.

Q: ...um, you know, so if it...

A: It was probably June - I believe it was probably June.

Q: So you were scheduled - you said some recon what?

A: Ranges.

Q: Ranges?

A: Firing ranges and stuff like that.

Q: Okay. And that's where the training was scheduled to be, San Luis?

A: There wasn't - I don't - I'm not really following a training schedule at this point because of the situation I was in. There was training - technically I still belonged to the unit in San Diego, and there was training that was scheduled

at the unit in San Diego but again, I didn't need the points, I don't get paid by this unit in San Diego, I don't have any responsibility to be there at this unit in San Diego, so I'm kind of looking down the line at things that I can get myself and other soldiers potentially in the new unit that I'm going to in Dublin involved with places that we could go shoot, places that we could go train and stuff like that.

Q: Okay. And that one - can you recall where you stayed?

A: Uh, stayed on San Luis Obispo, at some sort of lodging that they have there.

Q: Can you recall where? Can you find receipts for that?

A: Um, I - yeah, I can look for them.

A1: When you say you stayed on San Luis Obispo, you were on base?

A: Mm-hm.

Q: On base or...

A: Yes, on the base, on the actual Camp San Luis Obispo, like you go through a little guard thing and they have - on most military installations they have some sort of a lodging place where you can stay for kind of cheap. And so I went there and stayed there, and got up early on Saturday morning, went down to where this video was supposed to have been shown - I had my son with me - actually we ran to the place. Um, went down to where this video was supposed to have been shown, they made me aware that it wasn't being shown that day, and then I spoke with somebody in Range Control and asked them if, you know, if they'd be able to show me the different ranges. They gave me a map and said, "Hey, there's nobody shooting today. You can go out and take a look at whatever you want to take a look at."

Q: For your military training, it's okay for you to take your son?

A: Um, it's - it's similar for like - it - it's similar as to when we go to a school here, um, you know. I - I've taken my son with me to San Diego before and had, uh, had one of my solder's wives watch him during the day, and if I'm doing just that eight-hour - an eight-hour training or something, I get him - I get him that night.

Q: Did that happen on this one? Was he with you? Did you have somebody to babysit him?

A: Uh, yeah, I had him with me and ([redacted]) was with me during that period of time as well.

Q: During this trip?

A: I - if that's the June trip, yes - at the San Luis Obispo when she was with me.

Q: So this one you didn't go with anybody in your unit obviously, it was just you and...

A: Mm-hm.

Q: ...um, ([redacted]) and your kid for this trip?

A: Yeah. A lot of this stuff, just like the schools, when - when I'm trying to do coordination and - and things of that nature, I usually do it by myself. There - there's not a group of us that travels down and does this type of stuff. I was really - I was really the only one that was kind of caught in this limbo state for a few months, and had the ability to go do this type of stuff. I was trying to do something military-related every month because I'd already put in for the time here.

Q: Okay. All right. Uh, next entry July 13th, 14th, 15th, 20th, 21st, 22nd, 27th, 28th, 29th, and that - your Request Title is "Annual Training."

A: Okay.

Q: Uh, did you attend?

A: I did not - I did not attend Annual Training. Um, during those - during those weekends I - I went on - I don't remember which one specifically - on two of the three I was in San Diego to do mandatory online training and some training coordination stuff, and then there was a lot of loose ends that I had tie up as - from being a Company Commander down there. There was a lot of, um, there was a lot of civilian agencies and stuff like that that we networked with, that helped us out with training, that uh, I had to - well, I didn't have to - but to make things right with them so that if I wanted to use them again in the future, I provided them with Certificates of Appreciation. On one of those dates I think I took a PT test and handed you a height and weight, um, and that was - that was two of those weekends in July. And it would have been the same - same type of thing. I would have traveled down there, handled whatever I needed to handle, and then - and then came back.

Q: That's three weekends.

A: Mm-hm.

Q: That's a lot of time off you said, so you did some online training, say the PT Test, height and weight. Um, took care of some loose ends. Anything else to - to count for essentially a month off?

A: Um, at some point in the - I mean the - I mean it's - it's just - it's little stuff. At some point in there I took a uh, a DA photo in - in my uniform - oh, no, actually that was back here that I did that.

Q: You see what I'm getting at though, I mean you have...

A: No, I understand.

Q: ...you have - we're paying you for this, shows - well 37. uh, .50 hours for each week, weekend, correct?

A: Mm-hm.

Q: And that's obviously three weekends. Um, the things that you're describing are not adding up to that time off.

A: Mm-hm.

Q: Um, who are you accountable to, uh, for your time that you're supposed to be training or doing something military related?

A: At this point I really wasn't accountable to anybody. Um, technically I was accountable to the Battalion Commander, but I was in transition into this other unit, waiting for my paperwork to get done.

Q: Um, and there was no set activities during this transition period is what you're saying?

A: There were set activities, but I - I wasn't attending them.

Q: Well I know, for you, for your purposes...

A: Right.

Q: ...that you weren't required to do them?

A: I was not required to do them. I was uh, there's - there's stuff that happens annually, like this online training crap which is essentially like 80 hours

sitting behind a computer to do - to - to check the box on - on this different type of training stuff, and I utilized some of this time to do that, honestly.

A1: Did you say 80 or eight?

A: Eighty, 8-0.

Q: Okay. And when you finish that, do you get a certificate or something? What - what - what happens?

A: Yeah, usually you get a certificate that I - that I, uh - I don't know what I would have done with them - usually I get a certificate that I - I submit to the - to the unit. It's a uh, it's a deal where if you become delinquent, uh, and technically I was still on that unit's books, so for height and weight and the PT test and some of these other things, I would pop up the link when - on them, because I was still on their books, and they would give me a phone call and say, "Hey, can you take care of this, you know, next drill or whatever, and I would take care of it.

Q: So and that's when you mentioned you did some online training. Is that something where you could log in at home and do?

A: Yes.

Q: Okay. Um, but you said in this one you went specifically to San Diego to do the online training there?

A: Um, not - I mean there was other stuff I had to do, like the height and weight and the PT test, and - and things like that.

Q: All right. Let's go to August 17th, 18th, 19th. Um, you guys okay? You guys need a break? You good?

A: I'm okay.

Q: If you need a break, just let me know.

A: Mm-hm.

Q: Um, and that's going back to the beginning of this, this is the month that you made reference to...

A: Mm-hm.

Q: ...in August?

A: Mm-hm.

Q: Um, you submitted for three days that you see there, and then I do recall the discussion as you asked me, um, and we ended up going and deleting that Friday the 17th...

A: Mm-hm.

Q: ...and then that...

A: Sunday.

Q: ...Sunday the 19th, and only had one day. So, you clarified already that you didn't attend training because they told you your paperwork wasn't gonna be ready?

A: Completed, yeah.

Q: So you...

A: So I wasn't gonna drive all the way to San Diego to do absolutely nothing.

Q: ...you got to Bakersfield and turned around and came back?

A: Yeah, it was - it was between Bakersfield and the - and the bottom of the Grapevine, I believe.

Q: Okay. But it was - at that time it was scheduled to be in San Diego?

A: That was supposed to have been in San Diego, I believe.

Q: And there are only - actually that - I'm sure you rechecked but that shows only one day - it shows the 18th that you were charged for...

A: Mm-hm.

Q: ...ultimately, so, um...

A: And I would have came to work that night, but I hadn't been to sleep yet in what, and that - that was - that was my issue. I left for San Diego as soon as I got off work on...

Q: That was gonna be your travel day so...

A: Right.

Q: Okay. Um, next one, October 12th, 13th, 14th, submitted there in Request Title, Drill. Uh, did you attend training on these dates?

A: I believe I did. Um, in October I would have been on the books with the new unit in Dublin.

Q: Okay.

A: Um, I don't believe I drilled with them in October.

Q: Do you recall what...

A: Um, I don't recall what I did in October.

Q: So the - the military training would have been in Dublin?

A: That's where it was uh, that's where it was scheduled to be, that's where I was supposed to be.

Q: Mm-hm.

A: But, um, oh, where did I go in that month? I had - I had coordinated with the new Company Commander in - in Dublin. There - I think there was - that was the month that I had, um, I did a - I think I did - that was the month that I did a - a cross-fit thing in San Diego for the unit in San Diego.

Q: Who did you coordinate that - I guess the permission to do that?

A: With...

Q: Who did you...

A: ...uh, the new Unit Commander in Dublin's name was Captain ([redacted]).

Q: Why - you're saying he's not there?

A: He's not there anymore, no.

Q: And that's who you spoke to?

A: That's who I spoke to and approved my - and he was aware of my situation, that during this fiscal year I didn't need points, I wasn't going down there to drill for points, I wasn't going down there to drill for pay or - or anything of

that nature. Um, if - if anything - if anything it was for accountability type things.

Q: So you did uh, are you guessing or are you - are you sure that you did that cross-fit thing in San Diego for...

A: I'm pretty sure it was in October - I think that was the last time that I was down there to - and did the cross-fit thing.

Q: Where did you stay?

A: Um, I went down there for that - I either stayed in a hotel or with a - with a - with a friend at that time.

Q: Um, you don't recall a hotel?

A: It would have been a Marriott if I stayed in a hotel.

Q: Same thing like the other questions - you think you might be able to get receipts for that?

A: Sure.

Q: Okay. Um, and who did that training with you?

A: The cross-fit training?

Q: Mm-hm.

A: Um, it was a - it was a handful of people from the uh, from the CA Unit down there. Uh, nobody from my - nobody from my - my previous uh, company. Um, I believe I put it on for a group of military police people that share - share the building with us down there, and then there was some Headquarters people.

Q: And did that training weekend entail uh, Friday, Saturday and Sunday?

A: No, that training would have just been on Saturday.

Q: Just a Saturday?

A: And I would have used Friday and Sunday for travel.

Q: Um, as far as the military expectations, as far as - as you put in for three days with your employer, which is us, and training one day and you would have days to travel, did they have any feeling in regards to that?

A: Did they have any feeling in regards...

Q: I mean they - I mean is that wasted time for them? Did they expect you to put in for time to waste a whole day of travel, when you're only going six hours against - well the - well the travel should only be six hours, seven hours tops with bad traffic.

A: Mm-hm.

Q: Is that uh, is that - is that discussed? Is - do they care?

A: Um, I'm - I'm - I'm - I don't understand your question. I'm sure they care at some degree. At - at this point, like I said I was in a transition phase, I was going to a different unit.

Q: You're still in transition, October?

A: O- October I'm on the books with the new place, but the - the whole - all the dates that we're talking about for the most part, I was in a transition phase with them. Um, they're not paying me, I'm not submitting for - for retirement points with them. Um, honestly, I - I was - I was going down there like I said to - to tie up loose ends that I had to - to tie up, and uh, and - and move on to - move on to my next thing. Um, there - there's a- there's a lot of uh, there's a lot of this - the City gives me 240 hours in military time per year.

Q: Okay.

A: Of that two hundred - 240 hours makes 30 days of military time per year - that 30 days has to be used in eight-hour blocks, so I'm charged military - I'm charged military time, four eight-hour blocks for one three-day period that I - I go down there. Because of that I burned through it traditionally, like in 2011 - or 2010, 2011, burned through it really quickly, so much so that that only gives me like six or seven months' worth of one weekend a month drill time. So, if there's a-another - if there's something else that pops up, whether I need to go down there for a jump or something, or - or whatever the case - but I only get six months of - of military time because of the unit that I was in and because of the things that I was doing.

Q: You're - you're the exception. You're real busy compared to the normal reservist, right?

A: Absolutely.

Q: Okay.

A: Up - up until this period of time, which was kind of - it - it - honestly, it was crazy for - for probably 18 months or something like this, and this was - this - this was a good opportunity for me to get caught up on a lot of stuff. I - I know it looks like I used a - a whole day of travel and this and that, but it was a good opportunity for me to get caught up on a bunch of different things. The point that I'm trying to make is that I had to supplement a lot of my own vacation time and a lot of my own holiday time or whatever the case may be, to complete whatever it was that I had to do for - for the military during those periods of time. And like those schools that I went to from - uh, in February and March or whatever, I used all my own time to go to those schools - I didn't use military time to go to those schools.

Q: It was 240 hours run through fiscal year, correct?

A: Fiscal year, right.

Q: Is that through - July through...

A: Whatever the City code says.

Q: Yeah, June?

A: June? I thought it was...

Q1: It's July 1 through June 30.

Q: Yeah.

A: So, um, I - having done this for, you know, the entire time that I've been an employee here, I - I haven't really batted an eye at, you know, at the beginning of the rotation I - I - I put in for the dates I need for military stuff and I run out of military time, I submit my own vacation time. I - I haven't gone on a legitimate like vacation where I just went something - went somewhere that I can recall, because I used all my time to do the additional military stuff.

Q: With - with that being said, the - when you submit military time off, what is the procedure when submitting that request?

A: It's just - it's just like submitting vacation time or - or whatever, there's just a - in the drop-down menu there's one that says "Military" and I - I click on that.

Q: Okay. And as far as the Department goes, for the procedures for us granting you military time off when you enter it as Military Time Off, Drill, Military School, what are we entitled to do?

A: Give me the time off.

Q: Okay. Unless it creates a hardship and then we have to make plans with the Unit Commander?

A: Uh, yeah.

Q: Right?

A: Right.

Q: Okay.

A: And - and - and I recognized what was going on during this period of time, and that's why I elected to change to a different shift during the week. So, like now I work Monday, Tuesday and Wednesdays instead of on the weekends, and it - I want to work on the weekends, it's the - the shift that I would like to work. But I recognize that it's not fair to other people who are trying to get time off, that I'm getting this military time. So, at the soonest opportunity I - I could, I changed to the - to a week shift so that there's not a conflict in doing that anymore. And then and hopefully I don't have to burn my own time, like vacation time and holiday time and stuff like that to make up the remaining six months or whatever the - the - the remaining time would be at the end of the year that I could use that 30 days of military time for the school that I go to once a year, or for the annual training that I have to go once a year, or - or so on and so forth. Unfortunately, I - I kind of got to the point where I really wasn't thinking about selecting military time in - from the Department perspective of - of them having to give me the time off. I looked at it as I had this military stuff scheduled, I need to get down there in the event that they need me to do something, in the event that they need me to sign something, even though that I don't have the responsibility that I did previously. Um, that - that's - that - that was kind of my logic and - and my thought process behind it.

Q: Okay. You mentioned that you changed shift because um, you taking off, and you're supposed to be working - they don't allow for others to take off time?

A: Mm-hm.

Q: So you want to be fair and get on a shift where that wasn't gonna end like that?

A: Where there was no conflict, right.

Q: And with that mentality, um, during this time when you're in transition, I know you - you say you submitted your time, you know, couple months prior. Once you got your training schedule, you submitted all your time off, correct?

A: That's how I usually do it, yeah.

Q: And then when you got through this transition period, as you - as you mention, um, you didn't have requirements to be there...

A: Mm-hm.

Q: ...as you stated, um, so why not go and say, "I don't need to train, 'cause I've been..."

A: And in hindsight, that's what I should have done - absolutely, that's what I should have done. Um, however, I was - I was trying to expedite my - my transfer, I was trying to get my evaluations signed, one of which I'm still waiting on, I don't have now. Uh, so that - that's - that's kind of - that's kind of where it was at. I - I mean I - I - I had - like I said I had to supplement a - a lot of time from my own vacation time, and uh, holiday leave time and - and stuff like that just to uh, to get through the schools and to make my - my obligation for the things where I actually was required to be there.

Q: Um, that - then going through the planned stuff. Um, the next entry was listed under, uh, November 16th, 17th and 18th.

A: November?

Q: Yeah. And that shows Request Title, Drill.

A: Okay.

Q: And Vacation Bucket, Vacation.

A: Okay.

Q: Kind of like you mentioned, you had exhausted your time already, um, so you don't have military time to take off during that time, so you're using your own time...

A: Right.

Q: ...essentially to burn. Did you attend training on that...

A: In Nove- I believe I went in November. Um, I - I don't - I don't recall. I believe I went in November, um...

Q: Where would that have been at?

A: That would have been - that definitely would have been in Dublin. I know they had - well, I got hurt again. Uh, I know in - in December they had a - a function that I didn't attend, um, but I think November was the first time that - that I had gone.

Q: To the new unit?

A: To the new unit in Dublin.

Q: And that's what, the uh...

A: One fifty-second.

Q: One fifty-second?

A: It's called (Theater) Operation Group or something like that. In - in - in the grand scheme of things with all these dates, I - I - I felt obligated to be there to - to show my face, if - if nothing else. Um, I - it - it's easy for me to sit back now and be like, "Yeah, I - I can see a travel day and a travel day and doing online training," and this and that, seems kind of meaningless and stuff that I could have done from home and - and so on and so forth, but I - I - I felt the obligation to be there, even for a short period of time, even though I didn't have to be, even though I wasn't getting paid for it by the military, even though I wasn't drilling for points down there, I - I felt that I needed to be there.

Q: Did uh, so on this one I say, you said it would have been in Dublin. You don't recall what you did during that month of November training?

A: I don't remember what I did in November, no.

Q: Okay.

A: I don't - I - I know I didn't go in uh, I didn't go in December because they had this holiday thing going on, and then I believe in January when I went, they were um, we were on a range and - at uh, Fort Hunter Liggett, so in November I believe, was the first time I drilled in Dublin.

Q: Okay. Do you recall where you stayed?

A: Um, when I drill in Dublin, every time that I've been there I stay at a Four Seasons that they - they put me up in. I don't get a receipt for it or anything.

Q: They - they uh, they pay for...

A: Mm-hm.

Q: ...you to stay there? Would they have anything?

A: I'm sure they would.

Q: You want to see if you can get something - something?

A: Mm-hm.

Q: Besides - besides the uh, training in June that you mentioned that uh, ([redacted]) and her - her son or your son?

A: Both of our sons.

Q: Both of the sons were with you, were they with you in any other training that we've spoken about so far?

A: Um, yeah, pretty much the - the whole time that we were dating I tried to include her on, you know, what I was doing. Um, we - for most of them except maybe August, when - when I drove down there and turned around and came back.

Q: Okay.

A: She wasn't with me at that point, um, but probably on - on - on all the other ones, if she wasn't really working at that time and uh, yeah, she would have been with me on those - on all those occasions.

Q: Did you - and that's the time period that you were in limbo?

A: Mm-hm.

Q: So, did you spend a lot of those weekends doing family activities with her...

A: In...

Q: ...and the kids?

A: ...in - in the off time, I did.

Q: Well that's what I'm saying, most of the time was off time during this transition period, right?

A: Well, I - yeah, I wouldn't consider it necessarily off time, I mean I would check in and let them know that, "Hey, I'm here. If - if something pops up and you need me, I can be back. I'm gonna be local in the area," or whatever, and uh, it wasn't like we would take off and go to the zoo at that point. Um, I would, you know, stay readily available in case they needed me to go back over there for like the duration of the - the business day.

Q: Did that ever happen?

A: Did they call me back over there?

Q: Mm-hm.

A: No.

Q: You didn't sit in your hotel waiting for a call, right? You weren't required to do that?

A: No.

Q: Okay. So, I mean - correct me if I'm wrong - is it fair to say that these military requests that you put in that you're supposed to be training during this transition period is being used for personal family time?

A: I don't - I don't necessarily see it like that. I - I went down there because I felt obligated to be there even for a short duration of time, in case there was something that I needed - in the event that there was something that I needed to do. Um, it just so happens that there wasn't anything that I needed to do, and um, and, you know, if - if there wasn't something that I needed to do, then I - I - I would do whatever I wanted to do in - in the rest of the time. Um, hon- you know, hon-honestly having used uh, a lot of my vacation time and uh, holiday time and stuff like that to go to active duty schools and do this and that, I - I unfortunately lost sight of how the military time is uh, the Department's required to give me that off, and I think it'd be fair to say that I - I kind of used the two interchangeably, if that makes sense.

Q: Yeah, I think it did - actually everything up to the - to the last point you said, you used what interchangeably?

A: Uh, that I used my holiday rollover time and vacation time - I used all that - I - I used a lot of that time to do military type things. When I was on active duty at schools at Fort Bragg and Fort Benning and so on and so forth, I was on vacation and on my holiday time.

Q: Well, with the exception - I'll agree with you there - the exception of those schools that you put in for the beginning of the year, you - you put it in as - you - you titled it, "Military School," but you put it in out of your own time bank - you never put military time. Everything else after that, you put in "Request at a Drill" or "Military Leave," and out of the time bucket, you put "Military Leave."

A: Mm-hm.

Q: It wasn't corrected until Finance got ahold of you or Lieutenant ([redacted]) got ahold of you and said, um, "You've exhausted your time. What do you want to burn?"

A: Right.

Q: So, you put it under that request - I understand you're using it interchangeably, but up until...

A: I'm - I'm...

Q: ...the school that you took in the beginning of the year...

A: Mm-hm.

Q: ...everything else you entered as military leave.

A: I - I wasn't keeping track of the hours and um, because I - I don't recall what I did but at the beginning of the fiscal year, I believe there was a couple of months that I did some - that I did some jumps where I was - where I was down there maybe twice a month, um, you know, like September - September/October timeframe?

Q: Mm-hm.

A: As a matter of fact Se - September 11th, I did a memorial jump in Mohave, I know - I know that for a fact. And then I had Drill a different weekend so, al- although I used - I entered it as military time and used it as military time, af- af-after I came back from those schools. I wasn't - I - I didn't understand the 240-hour, 30-day eight hour a day concept thing at that point. It wasn't until

Lieutenant ([redacted]) had put that I had exhausted it, that we - we sat down and uh, and discussed how it breaks down and so on and so forth.

Q: Mm-hm.

A: I just knew that the City notified me when it was up, and then that's when I started having to use my own time to do things.

Q: Okay.

A: The way that I entered it, if I entered military time and then vacation or - or something to that effect, that's - that's out of - that - that's out of - well I was doing military stuff, but I was using my vacation time for it. That's what I meant by doing that.

Q: Well I under- I understand - it wasn't entered that way, it was changed later on those, after - after the January, first time back when you entered - where you actually burned your - I think it was uh, CTO or, uh...

A: Mm-hm.

Q: ...well the first one you did - I take that back - January you did put military - the second one uh, in Fort Bragg, you put holiday - you used your holiday leave rollover for - for those three weeks of school.

A: Mm-hm.

Q: And then the - the following one at uh, Fort Benning, you also used your holiday CPOA time, so what I'm saying is in - I think we're saying the same thing. After that you entered - it was - the request was put under Drill or Military Leave, but you - you lost track of time so you - you were putting it in as military time, knowing that you were gonna burn your vacation or other time?

A: Yeah, I wasn't - my fault, I wasn't keeping track of how much time that - that I had had.

Q: Right.

A: I just knew that if - and I didn't - unfortunately I - I didn't look at it from that perspective at all. Um, I just figured I would put it in as military time, and if my military time was exhausted I'd be notified about it, and I could switch to vacation at that point. Um, I didn't think about - I didn't think about the Department's - the Department having to give me that time off unfortunately. I - I didn't think about that.

Q: But you were aware that it's listed under that, we have to give it to you, we're required to give it to you?

A: Now, after the fact, I mean I'm - I'm aware of it.

Q: Okay.

A: Um, I wasn't - I didn't - I wasn't mindful of that when - when I had put that in though. I was just - I was thinking of them interchangeably because I'd used so much of my - my own time on military related things - I was thinking of them interchangeably, and I - I always thought that if - if there was a serious conflict or something or if - if we were below minimum or something like that, that it would be denied. I didn't know that it was a have to - have to let me off type of thing.

Q: Okay. Um, you already mentioned December, you're in a new unit, 152nd. You had some holiday deal going on. You did not attend training that day?

A: Hm-mm.

Q: Um, but you put in for the 7th, 8th and 9th?

A: I was hurt during that time.

Q: Okay. That just rolled over into your OGI?

A: Mm-hm.

Q: Okay.

A: I didn't go.

Q: Okay. Did that - did that get converted later as OGI, do you know?

A: I don't have the slightest idea.

Q: Okay. They didn't charge you for that, did they?

A: Military time?

Q: Yeah.

A: I don't know - that's something I probably have to look into.

Q: Yeah. That - now you realize that, so...

A: Yeah, I didn't - I didn't even think about it. I - I got - I got hurt again in November of this year just like I got hurt in November - November 9th, and so uh, you know, all through November, December and uh, you know, January I - I wasn't doing too much.

Q: The - you guys okay still? You want to take a break? Okay. The time off, um, in - going back to November, you said that was with the new unit - that would have been the, uh...

A: One fifty-second.

Q: Yeah, that would have been the first time you would have attended that training. You don't recall um, what you did specifically for that - that would have been the first training that you did with your new unit, right?

A: Mm-hm.

Q: That weekend on November 18th, that Sunday, you attended a Raiders game?

A: Um, let me think - is this that same weekend? I'm - I'm not - I mean I'm not denying that I attended a Raiders game.

Q: No, I understand.

A: Um...

Q: And like I said I just want to make sure I got the dates correct. Um, would have been...

A: No, I did - that - this is the weekend that I went to the Raiders game - I wasn't at drill this weekend. You're absolutely right.

Q: So when was the first day you trained with the 152nd?

A: Um, I - I'm gonna have to go through my records, I - the - the time that I went to the uh, they did a range in January and that was not the first time that - that I had been there. So, um, and I didn't go in December - was that a Drill weekend?

Q: You need to look at uh, your training for that New Year?

A: No.

Q: Training schedule? This is Exhibit 11. It's a training schedule for the year for the 152nd.

A: Oh, no, you know what I did that weekend? I went on the uh, I went on the 16th and 17th, drove home the night of the - yeah, that's - that's what happened - drove home the night of the 17th, um, and then got on a bus to go to the Raider's game the morning of the 18th - I got excused for the 18th from the unit.

Q: So you went 16, 17 to training?

A: Yeah, that was the first time that I'd been there? Because we did SRP which is a munch of admin paperwork type stuff, where they insure that your - all of your paperwork's in order.

Q: So from there let's say you did Friday, Saturday training, got excused for Sunday, and you went to the game?

A: Mm-hm.

Q: Okay. Under the pretext of Drill Time when you submitted for time off?

A: Um, if it was under the pretext of Drill Time, I was not aware that I was - I was very forthcoming that I was going to a football game on - on that day, and taking vacation for that time.

Q: Well, and that's kind of what we discussed early. The time that - when you put in that time it was for the 16, 17th and 18th for Drill, which, which shows you had to be there. You got excused, I understand that.

A: Mm-hm.

Q: But that's what you put it in for, for new training for those two days - got excused for the last day to go to - well not to go to the football game - you got excused, you went to the football game.

A: Mm-hm.

Q: Um, I understand that you're burning vacation, your own time, but that time might have not been granted if it was just an issue listed as vacation time under the Request Title.

A: I didn't know - honestly, this - this is all eye-opening to me. I didn't know that the Request Title had that sort of effect on - on what it was, and if that remained military, that's - on any of these, if - if the Request Title were to

remain military, and I used a different bank and there was an obligation because the Request Title said military, they'd give me the time off, I was not aware that that happened at all.

Q: When do you think you became aware of that?

A: Right now.

Q: You didn't know this before?

A: In the Request Title?

Q: Yeah.

A: If it said military, you guys had to give me - I thought that in the time bank if - if I selected military, that was - that was what it was. I thought you would see that it was vacation down there - I had - I had no idea that's how it works.

Q: Okay.

A: None whatsoever.

Q: So this is the first that you're hearing of it?

A: First that I'm - I'm hearing about the Request Title having to essentially match what bank you're taking the time out of . I - I didn't know that.

Q: It doesn't have to - it doesn't have to match. You thought it had to match for it to be granted?

A: No, I just didn't - honestly, I didn't know that it said military, and I didn't know that if it said military in the title...

Q: Right.

A: ...that I had - that it was mandatory for me to get that time off. I had no idea.

Q: Yeah,

A: And then they generate what's called the 1380, which is a pay form.

Q: Right.

A: And people get paid by that form for doing things at other places. I didn't do any of that process. I utilized these forms specifically for my records, and that

was it. I scrolled through a bunch of forms that I had saved on my computer at the time, and I said, "Well what - what's one form that I could input some dates and nights with it, and that was it - that's the only reason why I used that.

Q: Okay. So, I want to say that would explain I would think why they're not filled out correctly ? Under date of absence you put none?

A: I didn't submit them to anybody, so i wasn't really concerned with them being filled out correctly. Like I said they were for my - my reference.

Q: The conversation you had with - with uh, [redacted], um, you mentioned that you said, "Hey, I'm going to an IA at work. There's some military time that I need to account for, training, um, do you recall me doing this - this type of training, this type of training? He says "Yes."

A: Mm-hm.

Q: Um, did you discuss dates specifically with him?

A: Um, I think - if any dates were specific, it would have been the July stuff, because they were on AT, and there was two of those weekends that I had gone down there, and I'd just seen him in passing, real - very, very quickly. And one of the dates - I'd sat down there and done some mandatory training. So if there were any dates specifically, it would have been the July ones that I made reference to. The - the conversation wasn't very long. I just asked him if he could verify this stuff and send it back to me and that was it. And then I sent him - sent the stuff down to him. Um, there was an additional one that I found for October with the - the new unit, um, that was signed by the - the Commander at the new unit, who's ([redacted] - Captain ([redacted]) guy. Um, and I did - I did the same thing with him, the - the Captain ([redacted] guy. I called him up and said, "Hey do you remember in October I had some stuff going on and I - I didn't come to drill, uh, and you excused me for it?" He goes, "Yeah, i remember that." I go, "Hey, I - I've got a - an RST paper that I filled out for my own personal records. Can you verify um, you know, that that was approved and so on and so forth," and he goes, "Yeah, sure, send it to me." So I sent it to him and he - and he signed it.

Q: Okay. Um, you spoke to [redacted]. Um, he mentioned that after looking at the dates and the actual training, that one, um, he couldn't verify that that thing happened on those dates, and two, there was different um, training or activities that were done on specific dates, once we...

A: Mm-hm.

Q: ...started combing over of the actual dates with im.

A: Okay.

Q: Um, he got himself in a little bit of hot water doing this. Um, did you have a conversation with him after he - you called him, in regards to - you were gonna submit these training forms?

A: That I was going to submit the training forms?

Q: Okay, well after you - after you called him and said, "Hey, I'm gonna submit these training - these um, these records," as you're - as you're calling them, "records, to uh, to account for some of the training times that I did in the past. You talked to him after that?

A: I - during that conversation I asked him to sign off on the things that - that he knew and I was there for, because he was full - he was a full time person there.

Q: Mm-hm.

A: So, anytime that I - I went in there, he was there. Um, he said that he could sign off on some of them because he remembered me being there on - on certain dates and doing certain things.

Q: And I understand that. You had a conversation with him after this initial conversation?

A: He - he called me after the fact, after all this was said and done, and said that these had been submitted to you guys, which I was not aware of at all. I - I didn't know that they took these and used them as some sort of at official record to provide to you guys. That - that wasn't my intention.

Q: So what was your intention? When you did - you - you had him sign these or submitted to him to have him sign them? For your records I understand, but for what pur- if they're for your records, you're gonna provide them to us at one point?

A: Um, they were from my records to show that I - I was doing Army-related things on those dates.

Q: And you were gonna provide these to us?

A: Yeah, and...

Q1: Can I interject for just a moment?

Q: Sure.

Q1: You said earlier that the reason you got records is because I had advised you to get documentation.

A: Right, because we had talked about...

Q1: Do you have any idea what I plan to do with those?

A: No, I don't.

Q1: Okay.

Q: Okay. And he gave you these records?

A1: Yes.

Q: And you were gonna provide them for today's interview?

A1: No, not for today's interview because I know that you guys already have them.

Q: Okay. You were made aware that we had them?

A1: But that was the whole - yes, that was the...

Q: Okay.

A1: ...whole point in getting the documentation, because then you guys were gonna need something to show where he was.

Q: Okay.

A: So...

Q: So what was the conversation you had after?

A: Afterwards he called me and he said, "Hey, um, uh, you know, your - your police department called down here and talked with this other guy, Sergeant ([redacted]), um, in regards to - to the paperwork and this and that. They wanted to know - they wanted to know if I'd signed it, um, like when - when the stuff had occurred or after the fact, when I told him that I had cited it after the fact, after a conversation with you, uh, asking me to verify the - the dates that I remember you being down here.

Q: Okay. Yeah, I said I think that's initially when they - when they submitted it to us under the official capacity, is why he got in trouble, and also didn't verify the dates that he said that initially in your conversation, I guess, he said, "Oh, yeah, I remember you doing...

A: Mm-hm.

Q: ...that, not looking at the actual dates." So did he get into that specifically though?

A: Not that I - not that I recall. I just - I just kind of said, "Oh, well," and - and he said that he was in some hot water now for - because they submitted him to you guys, and I told him that it was never my intention for these things to make it back to you guys through that channel.

Q: Okay.

A: That I was doing this for my - my records, uh, to provide to, you know, my representation and - and that was about - I believe that was the extent of the conversation I had with him - it was really short.

Q: Okay. Um, you said you went through some of your notes that you had - that you had to try to create this records, um, when I noticed you of this IA, correct? Because of the...

A: Mm-hm.

Q: ...policy violations? Um, you also logged onto Planet, um, several days after I noticed you...

A: Mm-hm.

Q: ...and you were llooking at your - basically when I showed you your 2012 overview...

A: Mm-hm.

Q: ...of time off, um, you did that for what reason again?

A: Uh, I logged onto Plan-Ita couple of times because I kept getting these email notifications on my phone, that something was submitted for me. So I'm at home - I'm not doing anything right now, so I logged onto Plan-Itto see what days I was scheduled off, if there was any uh, if there - hon-honestly I was - I was hoping that I wasn't gonna be scheduled off for one week, and that might be an indication that I was coming back to work or something. Um, and then

in trying to retrieve, you know, dates and times and - and things like - like that for this specific reason, I went to Plan-Itto - to look at, you know, the dates that I was off, the dates that I was at the military schools that I used my vacation and holiday time for, um, to - to reference for this - this entire thing.

Q: Okay. So you kind of already explained the reasons why you completed the R - this RST. It wasn't - it wasn't as the actual RST...

A: Hm-mm.

Q: ...that you would normally do, um, assigned to a unit.

A: Right.

Q: You can do the scheduled training that the unit has preset already for that date, and they you say, "I want to make up a date on this date," and then you have to go to the Commander, right...

A: Right.

Q: ...permission, and then you make up those dates, correct?

A: Right.

Q: Okay. You did not submit that these...

A: No.

Q: ...are for that specific purpose? When you - you put non- for date of absence, in that category you put uh, "none," uh, "drill for points." So you're not getting paid - you say you don't - you - you're not doing it for - for pay?

A: Mm-hm.

Q: Um, are you drilling for points, which points - what does that translate to?

A: The way that um, the reserves work, um, what's the fastest way to explain this? The way that the reserves - the Army Reserve, where it is. You could be on active duty for a period of time. Like for me, I was on active duty for like six years.

Q: Well just - let me make it shorter. Does it equate to retirement?

A: Yeah, it - it - it - we could place to a time, and a certain amount of points say you can retire it at a - at a certain period of time. However, you have to submit this document and have a 1380 generated for points only.

Q: Okay.

A: And I never did that with any of these. There - there'd be record of me submitting these for points.

Q: Okay. Um, was that Exhibit 9? 'Cause we're talking about points. And this is uh, training log, and then this is the reference code?

A: Mm-hm.

Q: So, S is excused, absent, RST schedule.

A: Mm-hm.

Q: So that's where you would submit this, um, RST Request Form, correct?

A: Um, if - yeah, if I was gonna submit it for points or pay, yes.

Q: Right. And then an excused absence, is where excused, you don't have to do the training, you don't have to submit an RST?

A: Mm-hm.

Q: Right? Um, the - the R is perform duty?

A: Mm-hm.

Q: RST?

A: Okay.

Q: Following up with the RST, is that correct?

A: Uh, yeah, according to this, yes.

Q: Why uh, have you seen this before?

A: No, I've never seen that before.

Q: Okay. How about this?

A: Um, yeah, I've seen that before.

Q: Okay. On - let's see here. Okay. Could be October - you said October 16th and 17th training, that's 2011, correct?

A: Mm-hm.

Q: That one, and I'm not - I'm just trying to make reference to the points again. For that one point, what - what does that equate to as far as training time?

A: Oh.

Q: If you get - if you get one point?

A: Four hours I think.

Q: Is that - I'm asking that.

A: I think so. I...

Q: Okay.

A: This is - this is HR type stuff.

Q: All right. Um, when - going back to these exhibits, and I think you kind of explained it, but let me just go - let me go one by one here. Um, the recon training that you're saying you did on this one here.

A: In June?

Q: Uh, June 24th. Um, that was when the Police and Fire Games were, correct?

A: This Fire Game...

Q: June 16th through the 24th?

A: The Fire Games was on Monday, Tuesday, Wednesday.

Q: Okay. Um, but they - they were all a week? The - the Police Games ran the 16th through the 24th?

A: I'm - I - yeah, I guess. I don't remember.

Al: If you don't know then say no.

A: I don't - yeah, no, I don't know.

Q: Okay. Your - your portion of the Police Games, what - what part did you take?

A: I played football.

Q: And what days were those?

A: Monday, Tuesday, Wednesday.

Q: That weekend you would have trained as we discussed?

A: I...

Q: Going back to...

A1: Is the question that this Saturday, Sunday before the Police Games he would have been on military leave?

Q: No, no, no, no. No, I know that he - when he put it in for the Police Games for (unintelligible), it was declined. You did a shift trade I believe?

A: Mm-hm.

Q: Looking into that weekend 'cause it ran all week.

A: Mm-hm.

Q: Did you - did you participate in the Police Games that weekend?

A: I was supposed to have done a uh, I was supposed to have done a weight-lifting thing but I was uh, I hurt my knee or something, so I did not participate in the Police Games over the weekend.

Q: Okay. Um, on - in talking to Sergeant [redacted] after going through these training documents that you submitted...

A: Mm-hm.

Q: ...he recalls you going with - would have ([redacted])...

A: Mm-hm.

Q: ...as we discussed - he said a female but you said she was with you?

A: Mm-hm.

Q: Um, showing up at the - at the unit...

A: Mm-hm.

Q: ...with her and providing your height and weight on that day.

A: On which day?

Q: In June.

A: Okay.

Q: And he did not recall if it was that Friday or Saturday, but he said it was - it was that - sometime during that weekend.

A: Okay.

Q: Um, when you did that, he said that took about 20 minutes, 30 minutes tops, and then you were gone.

A: Okay.

Q: Um, you stated that on that you would have been - you stated you would have been in San Luis Obispo?

A: I believe that weekend I was in San Luis Obispo - it was either that one or the following weekend that - that I did San Luis Obispo is what I said.

Q: That's what I'm saying, if you're saying you're - you were there, you - you discussed playing football is why you remembered that you were there for the Police and Fire Games...

A: Mm-hm.

Q: ...played football - he said you looked beat up because you'd been playing I guess earlier in the week as you discussed.

A: Mm-hm.

Q: You gave your height and weight because he called you, he said, "Hey, this thing came up on the computer."

A: Mm-hm.

Q: "Uh, can you come in and take care of it?" you said, "Sure, I'm down here for the Police Games anyways," go there with ([redacted]).

A: I - I think I went there during the week, during - during the week to do the height and weight. I'm not - I'm not for certain it was on the weekend. I'm - I - I can check my - my receipts and stuff like that. I'm pretty sure I was in San Luis Obispo in June.

Q: Okay. Is it uh, yeah, you can check the receipts.

A1: June is the month that we have the annual training, right?

Q: July.

A1: So when you're telling Sergeant [redacted] about the months and what you were doing on those drills, do you specifically recall those dates, or are you basically guessing that those are the dates?

A: Uh, I - I'm giving him my best estimate as to...

A1: Okay.

A: ...as those dates and what I was doing on those dates.

A1: Okay.

A: I'm trying to reference different things that were going on during that - that period of time.

A1: Okay.

A: Um, I'm trying to be as forthcoming as - as possible with this stuff. I - I don't remember specifically.

Q: Okay.

A1: But you remember specifically going to (Slow) and doing range stuff?

A: Yes.

A1: Okay.

Q: Going back to - with that being said, going back to using the time logs...

A: Mm-hm.

Q: ...for June...

A: Mm-hm.

Q: ...for that. The weekend we're talking about, right?

A: Mm-hm.

Q: The 23rd, right there, that's the month, that's the day, that's the year?

A: Mm-hm. Well if this would have been submitted - if - if I would have came in during the week - if I would have came in on Wednesday, and if I would have come in on Wednesday and provided height and weight...

Q: Mm-hm, yeah.

A: ...they could have dated it for this RST. That - that Wednesday could have been in lieu of this day's training, if - if that's what you're asking, does that make sense?

Q: You see where it's saying - showing absent though? Excused absent.

A: 'Cause I didn't submit this. I never submitted this.

Q: I'm - okay.

A1: Does this have anything to do with the sign-in sheet? Is that how you're logged absent or present...

A: Yes, yes.

A1: ...is the sign-in sheet?

A: Yes.

A1: Explain that to Sergeant [redacted], because I don't think he knows that.

A: All right.

A1: And that might - that may help.

A: During - during this period of time I was - I was never concerned with signing in or out by the unit because I'm not getting paid by the unit. I've already made my points for the year, and I was - I was going down there because I felt obligated to go down there to tie up whatever loose ends I needed to tie up and because that's - that's what I do, I'm there if - if I need to be there. So, the - the way this sign-in thing works, there's a sign-in sheet - it's a physical piece of paper and a pen. I think it's passed around to like 300 different people - they all have to sign in.

Q: Mm-hm.

A: And there's four different points on a - on a two-day drill, there's four different points that you sign in, before lunch, at the end of the day on Saturday, and before lunch, at the end of the day on Sunday. It wasn't important to me to sign in because I wasn't getting paid or turning in for points, and I definitely wasn't gonna wait around while it got passed around to 300 to 400 people to sign in on the piece of paper when whatever I was doing was done for that day.

Q: Okay.

A: So that - that's a direct reflection of - of how you sign in.

Q: Well, okay. I understand - okay, with that being said I understand where it might show...

A: Mm-hm.

Q: ...on - and another thing that uh, Sergeant [redacted] referenced as to taking your height and weight that weekend...

A: Mm-hm.

Q: ...was that he gave you half a point - he gave you four hours...

A: Mm-hm.

Q: ...on - actually that's - could have been the 24th so he - he would have known what date.

Q1: Sunday.

Q: Sunday? Half a point he said - I know he was in here - I believe he was here 20 to 30 minutes is what it took.

A: Mm-hm.

Q: He wasn't here more than that, otherwise we would have gave him more than that, but the minimum we give him is four hours.

A: Mm-hm.

Q: So, and that's worth half a point.

A: Okay.

Q: So he gave you a point...

A: Okay.

Q: ...on that one. So that's the weekend you provided height and weight, because he gave you - he...

A: Okay. Okay, I...

Q: Well, you made mention being in San Luis Obispo.

A: I thought I was in San Luis Obispo that weekend. Again, if - if I went in and did height and weight on Wednesday, he could have credited me the one point for that following Saturday. That's what the RST's all about. The RST means that in lieu of doing training on this day, you did it on a different day, but it gets credited to that one day.

Q: Okay.

A: So, if - if...

Q: Yeah, I mean...

A: I think the height and weight was during the week because I remember going in and doing it, and I was actually in uniform. I think I had just got done with the game, and I only played on Monday, Tuesday and Wednesday.

Q: You mentioned the uniform but...

A: Yeah, and - and uh, and I had a weight-lifting competition that I was gonna participate in, and I went - I went there to do - I went there to weigh myself in to see if I was gonna make weight for the weightlifting thing, and I still had games to play the following day for football, so I don't think that was on the weekend, I think that was during the week before, and either he's mistaken or

he credited me the one point for this date when I came in during the week to do that.

A1: What do you mean mistaken, about when you were (Slow)?

A: Or on - you know, or I'm completely...

Q: Okay.

A1: ...delirious at this point about where - when I was in (Slow).

Q: What uh, this week - I know this is the time period that once again you're talking about being in transition.

A: Mm-hm.

Q: Um, with this request, um, duties performed, mandatory online training, once again, you put in for three days.

A: Mm-hm.

Q: Obviously on Friday, Saturday, Sunday. Um, you're doing mandatory online training at your unit.

A: Mm-hm.

Q: All three days?

A: I - I don't recall. If - usually when - usually in a situation like that what I would do is check in at some point during the morning, find out if there's anything that anybody needed me to do, if there's anything that I was delinquent on, and if there was mandatory training to do and there was a computer terminal open, which there are very few open in this building, I would have sat down and began doing the training. It wouldn't be uncommon for me to go back to the hotel where I have a faster Internet connection, to try and do the training as well.

Q: On that weekend, you said during this time, ([redacted] was with you?

A: She was with - yeah, she was with me on all of them except for in August.

Q: Specifically on this weekend, um, did you stay with her sister?

A: Um, that could have been that weekend - that could have been that weekend.

Q: Did you stay with - with her sister any other times during trainings?

A: I believe there was one other time that we stayed there.

Q: Okay. Um, obviously when I asked you where you stayed, you kept mentioning hotels...

A: Well I usually stay in a hotel room with a friend, I - there was uh, yeah, there was one or two times that we stayed with her. We'd gone down - she's had a sister living in San Diego - we'd gone down there on occasion to visit her outside of military time and outside of the times...

Q: Right.

A: ...that I was working and stuff like that so, uh, I mean it's kind of easily confused in my mind. I apologize, I'm not able to separate this Army weekend from another weekend that we went down there and stayed at her sister's house, you know, I'm not...

Q: Well that's kind of - that's kind of what I'm saying though, is these other weekends and these training weekends during this time are one and the same. It's - I know you feel obligated to be there.

A: Mm-hm.

Q: But it's - it's - seems like to me, a family vacation.

A: Okay.

Q: Um, so specifically with these dates, do you remember or are you guessing when I'm telling you that - if you stayed with ([redacted])'s sister?

A: Um, I know that I stayed with her sister uh, a few times - at her sister's place. Well her sister was there once when we stayed and her sister was - so twice, there was two times that I'd been down there and stayed at her sister's place.

Q: Which would have been when you guys were supposed to be going to Canada and, um, passports didn't - something was wrong with the passports - she still went to Canada, and you guys went there - either you guys - she was there at the beginning of your weekend trip or came back shortly thereafter before you guys left.

A: Okay.

Q: In between that time period.

A: It - it could have been that date. I'm not for certain though if it was that date.

Q: Okay.

A: I - I remember the time...

Q: And that was July, when a scheduled trip to Canada was supposed to happen?

A: Uh, we had - we - yeah, we had attempted to take a trip to Canada, but she had a problem with the way that her name and married name conflict or something like that, so it was about like a month before that we were notified that she wasn't gonna be able to get her passport in time. So it wasn't like the day before or anything that we decided we weren't going to Canada - we're gonna do the spur-of-the-moment trip to San Diego.

Q: Okay. And obviously ([redacted])'s the one that made this allegation. She's saying that there was no training conducted during that weekend.

A: Okay, well, if this is the weekend that I'm thinking about...

Q: Mm-hm.

A: ...definitely on the Friday.

Q: Well this is the one I'm talking - it's uh, that weekend, where you're saying online training.

A: Okay. If this is the weekend that I'm thinking about, then definitely during that period of time on Friday and Saturday morning, both, I went to the unit.

Q: Okay.

A: While she was still sleeping at her sister's place.

Q: How long were you there?

A: Uh, typical thing, I went and checked in. Um, during July, there wasn't too many people at the unit because they were off doing annual training I think at Camp Pendleton or somewhere.

Q: Okay. And that's - like I said, obviously that's the annual training that we mentioned earlier, where you didn't - you definitely wouldn't have logged in and there would have been no record of - of you being there like you stated. You didn't go - you didn't...

A: If - if I would have gone to annual training, I would have had a set of orders.

Q: Okay.

A: I didn't attend annual training.

Q: Okay. And that...

A: 'Cause I - I'd been to three schools that year already.

Q: Okay. Um, and that's what would account for you not being on this timeline?

A: Right. But I - I didn't sign in...

Q: Okay.

A: ...at all. I already made my points for that y ear.

Q: Okay. Um, anytime that you are going back, real quick, just so I get this straight, when you're submitting an RST in the official capacity, and you are doing training for points, you would have to do a - a 1380...

A: Mm-hm.

Q: ...form to be able to get that, uh...

A: Right.

Q: There was on - no 1380's ever done with these because they weren't submitted in that capacity?

A: Right.

Q: Okay.

A: I don't know if - if you have them or not, but I - I don't know if those records go back far enough, but for like something like this one, which was December of 2012 - this is after I broke - broke and had surgery on my hand.

Q: Mm-hm.

A: Um, if this is - if she was - no, I think this is - never mind, this is an excused one. I was gonna say there would have been a 1380 submitted, and then you show record of that on your form there.

Q: Right, under that - that code that we mentioned, on duty RST?

A: Mm-hm.

Q: Okay. I think there was. Actually not for - not for that time period there wasn't. It was prior - probably prior to 2011?

A: Yeah.

Q: Yeah. All right. Um, with this one, Exhibit 3, um, same type of um, I'm sorry - uh, for same month, annual training?

A: Mm-hm.

Q: 'Cause you submitted for three weekends during that month.

A: Mm-hm.

Q: Um, once again, State mandatory online training.

A: Okay. I - I believe it was during this weekend that I uh, that I actually stayed here and did the online training.

Q: Okay.

A: I believe this is the weekend where I was trying to get a DA photo, which is a - an official photograph of myself, and it was either Friday or Saturday - I had drove to Dublin, where I believe the closest facility to get the photograph taken was, and then was notified that it's no longer there, and that it had moved to Fresno of all places, so I - I came back and then waited for Monday to schedule an appointment to do that - that photo.

Q: Mm-hm.

A: But did a mandatory online training course at - at home that day. And actually on Friday I had coordinated with the unit that I used to be in here, to be able to go to their facility, so it's an official fac- Army facility that I would be working in. I coordinated with a uh, an NCO over there so that I could get in on Saturday - it was a - a weekend that they weren't drilling, and I showed up there in uniform, ready to do my online training there, but the building wasn't unlocked.

Q: Where was that at?

A: It's off of Kearny, over by the Chandler Airport.

Q: Who'd you coordinate that with?

A: Um, I can get the guy's name. I - I went through a - a couple of people that I used to be in that unit with. It was whoever their - their 1st Sergeant was at the time.

Q: You said that build- that building wasn't unlocked, so what did you end up doing?

A: I ended up going home and working on this online training.

Q: Mm-hm.

Q1: For your online training do you log in and then log off, like if we were able to pull records, were you sitting on...

A: I don't - yeah, you - you - you lot into something. There's probably five or six different type of database things that you go in to do these. I don't recall which one I did that day. I don't - I don't know if there'd be a record of it. One of them - one of them that I worked on for a long period of time takes 40 hours, so I would work on it for a period of time and then you save it, and then you go back and work on it for a period of time and save it, and so on and so forth.

Q1: So where would you - for your sake of checking your online hours, to know - if you know you did a course for 40 hours or 80 hours, to go back and make sure you got credit for those?

A: When it's all said and done, you print out a certificate.

Q1: Can you provide those certificates?

A: Yeah, if - if I'm done with it.

Q1: Okay. But you've completed some?

A: I've completed some. I don't know if it was this specific one that I was working on this day. Like I said there's one that's 40 hours long, which is - it's kind of a nightmare, and I've been working on that for - for a long period of time now.

Q: Okay.

Q1: Serg, can we take a quick break?

Q: Absolutely.

Q1: I need to make a phone call.

Q: Okay, absolutely. We'll be taking a break time and it's 12:37. Okay, we're going back on record. Time is 12:43. Everybody's present that was present prior. All right. Um, still back in July, Kyle, Exhibit still 4, um, annual training time.

A: Mm-hm.

Q: Duties performed, you said PT tests, height and weight. Um, as we discussed the height and weight um, happened in June.

A: It - it can happen multiple times.

Q: I understand that. Um, who did you - if it happened multiple times, besides [redacted], who would you have done the height and weight with?

A: Um, in July? It - it would have had to have been an 86 or above, um, there's a handful of people that could have done it, honestly. Um, I don't recall.

Q: And it's the time period, once again you said that you did not attend annual training...

A: Right.

Q: ...but you were transition, but you - you were saying you went in there and did height and weight again in July?

A: Um, I believe I did, yeah. Let me see my notes on that.

Q: And you did a PT test also?

A: I did a PT test as well, yeah.

Q: Um, Exhibit 12, the last scheduled PT test that they have on record for you is February 2011.

A: These are official PT tests. You do diagnostic ones probably three or four times a year, and - three or four times a year in addition to these.

Q: They don't keep records of those?

A: Um, there would be a record of it. It's - it's not something that, uh - there's a system they put official documents into - it's called IPERMS, I don't know what it stands for but um, like something like this is official because...

Q: Mm-hm.

A: ...because this is a record. That's what they say at the bottom here, "Record APFP"...

Q: Mm-hm.

A: ...would be permed and put into that system. Diagnostic PT tests and things of that nature, they don't do that. That's just kind of a uh, like a status check of where you are. Usually a PT test occurs twice a year, and they'll do a diagnostic one in between the two, they'll do two or three diagnostic ones just to make sure you're on track not to uh, you know, not to fail.

Q: Okay. So what did you do for that diagnostic PT test, and who did you do it with?

A: Um, I believe that PT test was conducted with a guy named uh, Staff Sergeant ([redacted]), um, because he was one - he was - he was in this unit with me, and then he moved to the unit in Dublin, uh, prior to me getting a...

Q: Take a quick break, time is 12:46. Okay, back on record, 12:47.

A: It - it was either during this period of time in San Diego that I did diagnostic PT tests with the Staff Sergeant ([redacted]), or I could have taken - or I recently during this period of time, uh, between July - oh, or was it September? Ju - either July or September, I did one in Dublin as well. Um, I - I believe it to be this date though, and I believe him to be - have been the person who graded me. Um...

Q: Dublin with your new unit?

A: Mm-hm.

Q: He was - was he - he was - he looks at your - the new unit also, the 152nd?

A: Yeah, there's a total of seven of us that bounce from three different units together, so - um, either that or I - I could have done a diagnostic PT test by myself - that's not uncommon.

Q: So nobody needs to administer it to you?

A: Uh, no, because it's not for record.

Q: Okay. And you did that at the - what facility or where exactly did that happen at?

A: This is at the end of July. I - this is the one that I was here in Fresno, right? Isn't that the one we were just talking about? Or was that the one previous to that? Okay, this is the one that I was - my bad. Okay, so um, yeah, I would have - I - I believe I took a diagnostic PT test and did height and weight, and then um, I think I did some coordination for uh, a cross-fit event that I was gonna do for them sometime in the future.

Q: Okay. No, we'll go ahead...

A: And - and that was - that was about it, did some coordination - they've got a bunch of different - a bunch of different equipment, a bunch of different cross-fit equipment. Um, rowing machines and huge medicine balls and stuff like that that you have to coordinate to use. So I had this cross-fit thing on standby and I believe it was during that period of time that I was uh, I was doing all the behind the scenes stuff to be able to do it sometime in the future and I - that's the one I believe I did in October.

Q: September, um, for the weekend, then uh, 14th, 15th, 16th...

Q1: Mm-hm.

Q: ...um, he's discussed training coordination, engagement skills and you could read the rest there. Um, and then as previously discussed you said you...you did not attend training on that specific date?

A: In September?

Q: Yeah.

A: I don't - I don't remember what I previously said at this point, to be honest with you.

Q: What are you looking at in your notes?

A: Um, it's a - it's a printout of the planet.

Q: Oh, the overview that I have for you?

A: Yeah. Um, I believe that it was during this period of time that I - I had gone down there - yeah, I'd gone down there and on S-Saturday I had made coordination to - to drop off these uh, certificates of appreciate that I had made for these civilian guys who helped us out with a bunch of training. Um, because we drill on weekends and civilians that work for like DOD on military installations, they usually work a Monday through Friday 8:00 to 5:00 or whatever, um, they came in and did training on the weekend just for us, like on their own time type of thing, to help prepare these kids to go to - to combat and stuff like that. So I wanted to do something to show a token of appreciation. There was probably ten certificates in - in five different locations that I had to drop off on Camp Pendleton - if you've never been there its' a huge geographic area that's spread out all over the place, so that took me a good chunk of the day to - to do that.

Q: Okay. So, when you say you did it in training, that's what you were doing...

A: That's what I did that day, yes.

Q: Okay. Um, what - how about the rest of the days?

A: The - the 15th and...

Q: Travel dates?

A: Yeah, the 15th would have been used as a travel day.

Q: Okay, the 16th, travel day?

A: Uh, the 16th is probably when I would have done it.

Q: Yeah, it's - it's uh, the 14th - the 14th's not on there.

A: All right.

Q: Time submitted was at 1415.

A: Okay, yeah.

Q: And so 14th is the travel day?

A: Yeah, I would have - I would have used those. They're just like the other ones - I would have used them to travel - travel down there and to tied up any loose ends that I would have. I need to tie up to - to do whatever it was that I was gonna do down there.

Q: Okay. Okay, that one for October, um, here. Actual 12/13 and 14th, uh, PT test...

A: This was the - the cross-fit instruction that I did, that I had coordinated for on the - on the other one in July.

Q: And who'd you do that for?

A: I did that for uh, a group in San Diego. It was an MP group and then there were some - some members of - some members HHC from the - the CA unit that - that I was in.

Q: So that's the month you say you didn't train within a unit, but you went...

A: Right.

Q: ...back and...

A: Well I did - the Company Commander that was there at the time was this ([redacted] guy, and he - he gave me permission to go down there and do that.

Q1: You were wanting to address the training address.

Q: That - well he went back - he did that at the San Diego training unit?

A: Mm-hm.

Q: Okay.

A: Yeah.

Q: Okay.

A: I think if I remember correctly, that this one was kind of crazy in that um, I left - I left here at like 3 o'clock in the morning and drove straight there and then did this, and then slept in my car for a little while and then uh, and then - I think I came back on a Sunday still, if that's the weekend I remember specifically.

Q: When you went back and filled these well, say training requests for your records, and now once again as specified, you did not submit it - your intentions were not - never to submit it under the RST capacity.

A: Mm-hm.

Q: Um, what did you reference for to know that you did those specific things under "Duties Performed?" 'Cause as we're going through them, I mean - obviously it's been a long interview - I know you're tired.

A: Mm-hm.

Q: But it seems like you're almost guessing as to what you did during those months.

A: Well, they all kind of blend together to be perfectly honest with you. Um...

Q: When you put these together, it was at your timing - you didn't have...

A: Mm-hm.

Q: ...you know, anybody interviewing you so you had time to do them, right? I assume you had time - you weren't rushed to do them?

A: No, but the - the thing was when I - when I put these together, I put them together previous to signing them, so - this - this - this stuff here is kind of a - a guideline of the things that for lack of a better term, I had intended to do that weekend, and in most situations it's what I actually did during that weekend or that day. Um, yeah, so that's that and then I - you know, then I signed it to document when it was all completed - not thinking, I should have added more notes to say, you know, specifically what I did because as - as these look, it doesn't look like I was doing much down there but it - it probably took up two or three hours of my time every time I was there doing this checking thing, and doing coordination with people for - for different things and what have you.

Q: Um, well, and I understand that, um, the - like I said a couple hours of - to check in and do that stuff, but once again you're putting in for three days...

A: I understand.

Q: ...of time off is what one of the major issues is. Um, and - and backdating these too, if there was never an intention to be deceitful, why not make a note to the fact that these are backdated? And when you - when you made - created these things...

A: Yeah.

Q: ...say these are not - these weren't created back when I did this training. I'm creating these now...

A: No, these were created when I did this training. I had these on file at my house is what I - what I said earlier. I - I feel - I think...

Q: Okay. So you had these done. So what did you fill in at the time when you - when you pulled these records?

A: I didn't fill in anything. I sent them to [redacted] in San Diego to ask him to verify the ones that he could verify, that he knew what I was doing.

Q: So August was already filled out?

A: Yeah, the - the way that it worked was just to - just to have a plan of - of things to do when I went down there, I would put in - put in the notes of what I was gonna do that weekend. I'd go down there and conduct whatever it was, and then on the date it's signed is the date that it's signed.

Q: Okay.

A: I never had any intention on being deceitful with any of this - any of this paperwork whatsoever. This is all from my records.

A1: No, I - I think that - I think the rub is that Sergeant seems to be under the impression that you just created these at the time that you decided to send them for verification.

A: And - that's - I don't - I don't know why [redacted]o backdated this stuff - I didn't ask him to backdate this stuff. It's just what he did tot try to match these dates I guess. I - I don't know. Um, I don't know. He - I would have been perfectly fine with him putting whatever date he dated those on there, just - alls I was asking him to do was verify him recalling me being there doing something.

Q: And he wasn't able to do that, unfortunately.

A: Okay. Well I don't know why he - why he signed them then, frankly, 'cause that's all I asked him to do. Just saying, "If you remember me being there on these dates, can you sign off on these things? I'm looking for somebody else who can verify me going in this place at this time."

Q: Yeah, when it came down - like it came - when it came down to the dates, that's what he couldn't do and that's ultimately why you got in trouble - in hot water.

A: All - all things considered it is asking a lot from him to remember a specific date that I was there.

Q: Oh, I know.

A: Probably face timed with him for ten or 15 minutes.

Q: You know, correct and I mean I said to, you know, that's what initiated this is not right, because he signed - he documented everything and the he signed 2013.

A: Activity (unintelligible) one in the future?

Q: Yeah. So, um, that at this point has nothing to do with you, you didn't ask him to do that?

A: No.

Q: He did that. Um, if these were already done as you say they were, why did you go back into Plan-Itand look into your 2012 overview?

A: Um, for all...

Q: For dates?

A: ...all - I wanted to see - I mean there's a whole bunch of reasons why I went back into Plan-It. I wanted to see the dates that I utilized my vacation and - and um, comp time and holiday time versus the military time. Um...

Q: For what specific reason?

A: Just in case I was asked about it.

Q: Okay. Because why?

A: I wanted to be able to speak intelligently about what days I used what and for - for what purpose I guess.

Q: Okay. But if you're saying you - you were doing something military related, um, did it matter if you were burning military time or your own time?

A: No, not at all.

Q: Okay.

A: But I - honestly, I - I don't keep track of the military time, nor do I really - I mean when I get my pay stub, I see how much vacation time and stuff that I

have, but I don't really keep track of how much time of that I spent on my military related things.

Q: You know it's 240, fiscal year...

A: Right.

Q: ...you know that much, right?

A: Yeah.

Q: Okay. But you don't keep real close tabs as to...

A: No, because o-over the years I've - right, wrong or indifferent I use - I've used them interchangeably, because I know that the military time is only gonna cover me for - it's gonna cover me for less than seven months of military related stuff, and I know that I'm gonna have to use my - my personal stuff to make up the remainder of that. So, my fault - that's - that's why I never really paid attention to the headings, like if it was going somewhere with the intention of doing some sore of think. It was military, it was drill, um, but depending on how many hours that I had left in that bank or whatever would kind of uh, make me choose what, you know, whatever bank I was gonna pull the hours from. Um, I guess that's about it.

Q: Back in uh, February, you had an interview with a worker's comp...

A: Mm-hm.

Q: ...investigator...

A: Mm-hm.

Q: ...regarding - was it your...

A: My knee.

Q: ...knee - knee injury. Um, that was conducted at your residence, correct?

A: It began here I believe, and then there was documentation I needed to provide to them so they went to my residence.

Q: Um, that conversation you had with - with ([redacted]) at that time.

A: Mm-hm.

Q: He told you it was recorded, right?

A: Yeah.

Q: Okay. Um, and you write us a statement regarding that - that issue?

A: Right.

Q: Um, I've got the transcripts - I'm gonna have you guys look over, um, and then uh, if you could make - I highlighted some areas in page 19 and it goes into page 20. Just review that and...

A: Okay.

Q: All right. I'm gonna - we're giving you - I'm giving you space here. Going on break and the time is 1:02. Back on record and time is uh, 1:08. Everybody still present. Um, once again as we explained, we're in the process of going through requesting military time off, um, your transition period that you're having. As little as it was the training that you get, um, you made a - you made a statement to this investigator, workers comp investigator, working, you know, for (unintelligible). Um, the statement that you made, can you explain that?

A: Um, I mean it's - it's true in that the - the stuff I did in - in the period of time that we're talking about in comparison to the stuff I that I did like the two years previous is apples and oranges, two completely different things. The stuff that I was doing previous, I would show up on a Friday morning and it was nonstop, scheduled training, we're out shooting, we're jumping up...

Q: We're not talking about previous.

A: Well and - and I'm - I'm trying to paint - paint the picture so I - I could explain why - why I said this. It - it was completely different from what I did during this transition period. During this transition period, I went down there because I felt obligated to be down there, I didn't have the responsibility that I had before. I said this because it wasn't - it wasn't um, it wasn't drilling like I'm accustomed to drilling. I wasn't training, I wasn't out getting dirty, you know, we - we weren't doing things to prepare my soldiers to go to combat and stuff like that. It - it wasn't like that. This - this was all - it - it was kind of a relief to have the burden and the responsibility that I had before for a short period of time, so I could get caught up on some stuff, including some personal stuff...

Q: Mm-hm.

A: ...which I allude to in here, and I - I simply - I - I didn't consider that drilling. I uh, I was showing up there because I felt obligated to do so. I wasn't signing in, I wasn't getting paid, I wasn't acquiring points at that time. Um, so that's - that's kind of what - what that means but in no way, shape or form does this mean that I simply didn't go do anything military related. Uh, I didn't - I didn't say that. I said that I took a hiatus from - from drills, meaning organized drill structure when I - I would have to be down there Friday, Saturday, Sunday and do stuff from 6:00 am on Friday until close of business on - on Sunday. That - that's what I meant.

Q: But like we discussed once again with the military time off, obviously the way it looks, well that's how it appears to be to us, um, you know, when you're explaining what you were doing, as little as it was, it doesn't account for all the time that you took off.

A: I understand.

Q: That's what it comes down to, and that's what I'm trying to let you explain. Where is the rest of the time accounted for?

A: Well, I don't - I don't know how to answer that. Where the - where's the rest of the time accounted for? In driving back and forth between here and San Diego, obviously there's - there's a lot of time that's not accounted for, because I didn't have the responsibilities that I once had. I wasn't under obligation to be there and do the things that I had to do like the previous year, and uh, and things like that, but I felt obligated to be there nonetheless. I had at the beginning of the rotation put in for that time off. Um, and in addition to that there was a couple of times where I had spoke - I spoke with my - my supervisor and said, "Hey, I don't got a whole lot going on this weekend in drill. Uh, potentially I could be back for Sunday. What do you want me to do?" And a couple of times I was told, "Well, just play it by ear. If you want to come back let us know, if not it's already covered." So again, for me in my head, not realizing - not realizing the pinch or whatever that it puts the Department in with having to bring somebody else into work or whatever the case may be, it just - it was okay. I - the message that I received was that it was okay.

Q: Well with that being said though, they didn't know what you - that you were on a hiatus, that you were in transition period - they didn't know that.

A: Right. I - I...

Q: So when you're speaking your military training like you had mentioned before, you're in there Friday, Saturday, Sunday, running and gunning.

A: Mm-hm.

Q: Um, so they didn't know. They were - they were going off of what you're telling them, you know.

A: Well, I understand.

Q: You could have said, "Yeah, I'm not doing much over there." "Well, okay, yeah. Actually come to work," because you're absolutely right. The time when other officers aren't able to take time off work too...

A: Mm-hm.

Q: ...is gonna require an extra (unintelligible).

A: Right. And that's what I realized during this period of time, um, and there was, you know, August where - where I wasn't needed down there and I worked the Friday and - and Sunday and uh, even though, um, that - that's why I changed shifts to - to go back to the week instead of the weekend so I don't have this conflict and I don't create a problem for the Department and other people trying to get time off.

Q: Yeah, well, I mean that's good. Then af-after all this essentially, right?

A: Yes.

Q: Um, in looking at your own view too, I mean that time off, I'm looking at all the time that you had submitted. Um, I think there's only - what is it, three days for the whole year that you might have submitted vacation time. Um, what is actually listed under vacation.

A: Mm-hm.

Q: And not Drill...

A: Right.

Q: ...learning...

A: That's - that's what I said before, like vacation and the holiday time and stuff like that. I use it to make up the - the remainder of the - the military stuff that I normally have to do that I don't have military time provided by the City to do it.

Q: Oh, no, what I'm referring to is actual time off that - that you - actual vacation time. I don't know if you actually went on vacation, but the actual time off that you took...

A: Mm-hm.

Q: ...Request Title, Vacation, you're burning your vacation or whatever time bank you are.

A: Mm-hm.

Q: Um, I know you said that you didn't know you were - by putting the title, Drill or anything Military related that we were required to give you the time off...

A: I didn't know that.

Q: ...then it seems - it just seems pretty suspicious that you submitted so much time off and then under the military bank and the bucket, you listed military time to the point where you exhausted and you were called by - emailed by ([redacted]) or uh, our Finance gal...

A: Mm-hm.

Q: ...uh, ([redacted]).

A: Mm-hm.

Q: I know you received emails from her saying, "What bucket do you want to pull from?"

A: Mm-hm.

Q: Um, and at that time it was switched over. Unless you knew it was already switched over or you exhausted it prior to submitting that, you always submitted under bucket of mil-military leave.

A: I - I understand that.

A1: He's already answered that though. It isn't a question 'cause he's already answered that question. He's already said like three times, and I don't mean to start being rude, but...

Q: Okay.

A1: ...he has now said at least three times that he wasn't keeping track of his military time, and the knew once it had been exhausted they would notify him and he would be responsible for that out of a personal time bank.

Q: I - I understand - the point - well let me get to the question. The point I'm making is you knew how many hours you were given for the year, 240. I understand not keeping track, but you were at 412 from January uh, 2001 to December - I'm sorry - January 1, 2012 to December, the end of December 2012. You were at 412 hours of military - requested military time off.

A: Mm-hm.

Q: Obviously you didn't get all that 'cause we only allow 240.

A: Mm-hm.

Q: That's a big gap. I understand if like, "Okay, I'm not keeping track and I'm, you know..."

A: Serge, honestly, I - I've never done like an audit of those hours. I honestly - number one, I didn't know the importance of this Request Title thing. I didn't know by putting military in there that that was what solidified me having to have the time off. I thought that it was the other bank where you - you actually pulled from your bank. I've been in a lot of situations. Um, if it was military time and I had to change it, I'd go back in and change it to vacation time and not change its title because I didn't realize - I didn't realize how important that was until this. Um, as far as the - the second part of the question, I never did like an internal audit of myself, I always assumed just like in the years previous that once those 240 hours were exhausted, I would have been notified of it, and that's what - that's the point where I would use my vacation - my personal stuff. Um, also whenever I went to a school or anything like that I automatically used my personal stuff, years before, I would use vacation - or for AT - I believe AT the year before I used vacation as well. Um, so again, right, wrong or indifferent I ended up - I ended up using the two of them interchangeably, not realizing that if I put in the military heading on things, it - it put the Department in a pinch though, saying that they had to give me the time off. I honestly didn't realize that. I didn't and uh, you know, I - I used plenty of my - my personal time and vacation and holiday time and - and stuff to do - to do military related things that are - that are documented, that I have orders for, you know. I have orders putting me in Fort Bragg, I have orders putting me at Fort Benning for those dates that I used my holiday time or my vacation time or whatever for.

Q: I understand and - and we're not questioning that - I had to go over each one, so you know the time period that we're interested in.

A: Yeah, no, and I understand. The only reason why I bring it up...

Q: The 5th of November since...

A: ...is I - I honestly wish that the - the two were flip-flopped and my military time that I utilized was used for those schools and that the - the vacation time I would have used after the fact for the drills for this transition period. You know, under the right heading - I wasn't aware this - this heading thing, honestly I was not.

A1: So when you say you were unaware of it, let me just make sure that I can wrap my brain around it. If you change the leave bank or the bucket to vacation, regardless of what the heading said, you were operating under your impression that was your personal time then? You were essentially burning personal time?

A: Mm-hm.

A1: Okay.

Q: For a year? Okay, with that being said, you're under the impression you're burning your personal time, you are burning your personal time. But you're still going...

A: Under military pretense.

Q: No, but you're still going to military training. You're not - you're saying - that's what you're saying.

A: Right.

Q: That's what you said.

A: Right.

Q: You didn't completely just say, "I'm not going to training?"

A: Right.

Q: Okay.

A: Because that was my intention. That's - that's what I felt I was obligated to do.

Q: As little as it was, you're still - you said that you were still going to training, whether it be checking in, spending the weekend in San Diego?

A: Doing something military related, yes.

Q: Well, checking in...

A: Mm-hm.

Q: ...at - we discussed that. You said you checked in and you went and did whatever. Waiting for a call...

A: Right.

Q: ...that never came? Okay. I don't have anything.

Q1: Um, I just need clarification on your military jump. You said on Monday September 11, 2012. Was that...

A: I think it was 2011 that I was talking about.

Q1: That was '11? Okay.

A: That was the year previous.

Q1: All right. So you didn't do anything like that this last year?

A: No.

Q: Any questions?

A: Yeah. Can I - I didn't - I didn't do any - I didn't submit any of this time purposely with the military heading to - to get the time off to go on vacation, a family vacation or anything like that. Honestly I did- I don't. And now that it's all laid out to me and we've had this conversation, I see how it looks from - from the Department's perspective, I do, and - and I apologize for that. Um, but I utilized plenty of my own personal time to - to do my military related things, and I - I didn't know that that Request Title had such an impact in guaranteeing me the time off that it does - I had no idea about that. And in no way, shape or form did I - I did submit these documents to you guys, um, but in no way, shape or form did I mean for these documents to - to be something - that they were not construed to be I guess is what I'm trying to say, um, that - that Sergeant [redacted] was signing them as if he signed them on those dates or whatever the case. That was not my intention with those things. Those things were made to be my personal records, um, specifically because of something

else that's happened in this department with somebody who was involved in - in the National Guard. Um, I just wanted to have something where I had dates and something that I did on a piece of paper should something happen in the future.

Q1: Okay.

Q: So she brought these back up. Why do them on - why do them on this of all forms? Why not just do it on a Word document and that saves you work?

A: Everything you do in the Army's on a form.

Q: I understand that but it's not - it's not used for that purpose.

A: Absolutely right. Honestly? I was scrolling through a bunch of forms that I have saved on my computer, I started using the 1380 to do it. I go, "Well, I'm not gonna submit this for points or pay or anything, so there's no - no need to do the 1380. I need something that's - that's less formal than that," so I just went through a bunch of different things. I could have just put it in a spreadsheet and kept it - kept it in that, but I wanted something that looked like a form, I - I guess to answer your question.

Q: For your purposes or...

A: For - for my purposes, yeah. Everything you do in the Army's on a form.

Q: That's - you're saying that's just what you're used to using?

A: That's just what I'm used to using, and - and it's - it's u- it's utilized in this instance not how it's intended to be utilized obviously, 'cause some of the fields aren't filled out correctly, obviously, where it says, "Non-Drill for Points."

Q: Right.

A: Um, but again, I had those - I have a binder that has all of my - all of my orders in it, several binders. Um, they have all my orders for all the schools for everything that I've ever done, and I try to keep it in chronological order as best that I possibly can. And I - I had forgot that I had even put those together so when she asked me if I had any documentation, I'm thinking no, I don't because I've been in this transition phase - I'm not going down there, I'm not signing in, I'm not getting paid, I'm not making points," because I've achieved all that already this year from being on active duty for a certain period of time. what do I have? So I flip through that binder, and in one sleeve I had all of those there, and I pulled them out and I go well, I guess this could suffice if I

could get somebody to - to verify that I was - to build - build it stronger, to get somebody to verify that they were there. Who was there?

Q: Why not? I mean can you think about crossing that out and just...

A: Again, I knew what they were for, it was - my intention was to keep that for me, you know. I never submitted it for a 1380, I never submitted it with the intensions of getting pay or points, and I definitely never submitted it, um, for - for any other purpose besides my - my documentation, you know.

Q: Okay. Um, you mentioned a couple times, um, I guess in the closing that you were given, um, that you burned a lot of your time, you know, for these Command-Commander schools that you went to.

A: Mm-hm.

Q: Uh, Fort Bragg, Fort Benning. Um, you did, you burned your own time. You almost sound - and the question is - because you burned your own time for those, do you feel entitled?

A: No, I don't - I - no, absolutely not, I don't feel entitled. The only point that I was trying to make was I wish I'd realized the importance of this Request Title right here in putting military type stuff, because had I known that, I wouldn't have put military type stuff for all this - all these different things that I've done during this transition period. I would have still tried to get the time off, I would have tried to have been down there one or two days to pop in 'cause I feel obligated to be there in case my transition paperwork came through, in case my evaluation was done, I could sign it and have it submitted that day. For all the different things that I did during this - this period of time, as meaningless as they seem, it - it's still a big deal to - to the - to the soldiers that are in that unit, believe it or not, to - to see me there so they can come up, "Hey, I had a problem with this, what do you think?" "Hey, this or that, you know, what do you think?" "Hey, can I give you a call about this later?" "Yeah, sure, whatever," and that's kind of my obligation to be there for - for those guys, as cheesy as that sounds, that's honestly what it is.

Q: Once again, I get that but when you say you check in in the morning and you're gone, you're not there for those soldiers. They don't see you. They might have seen you in the morning...

A: Mm-hm.

Q: ...but then you're gone.

A: Right, well they - it's just they knew that I was there. They knew that I was there, and - and part of it is too, I'm not - I'm not their Commander anymore. I'm not trying to step on a new guy's toes. You know, I'm not gonna try to be hanging around their training events and stuff like that, you know, be-because that - that causes a little dissention. No - no matter what, no matter if they understand completely that this guy's a new Commander, if I'm just hanging out over here and somebody doesn't like how something's going on, they're gonna come to - come to me with it 'cause I'm the senior guy there, you know, and I just didn't - I wanted to alleviate all that and give the new guy an opportunity to do his thing, you know, outside of me being around. Like I said I just tried tying up my loose ends and uh, and - and that's it.

Q: Okay. Good? Okay. Actually, let's do the admonishment.

Q1: Um, obviously as you know this is the conclusion of our interview. Give you the admonishment. Uh, Kyle Pennington, I'm ordering you not to discuss the investigation or interview with anyone other than your representative or the investigating officers. Do you understand?

A: Mm-hm.

Q1: I need your signature right here.

A1: Can we get copies of all the things he's signed?

Q1: Yes, we can do that.

Q: That concludes our interview with Officer uh, Pennington. The time is now 1:27.

This transcript has been reviewed with the audio recording submitted and it is an accurate transcription.

Signed_____

[redacted], Police Sergeant
[redacted], Police Corporal
KP Kyle Pennington, Police Officer
[redacted], Legal Representative

[redacted] Going on record, we are conducting second interview for IA 13-03. Present is Officer Kyle Pennington, his attorney [redacted], Corporal [redacted] myself Sergeant [redacted]. Today is April 18, 2013. Time is 10:10, we are conducting this interview at the Clovis Police Department. OK and we are not going to do another Advisement Admonishment. You are stipulating to the first Advisement that we did on April 3, 2013 when we conducted our first interview, is that correct?

[redacted] Yes, we're going to stipulate that all Admonishments and Orders continue to apply to this interview and Miranda continues to apply and be invoked. So we are still under Lybarger.

[redacted] Yes you are, ok thank you. You had previously mentioned that you had requested receipts. We had requested them from the last meeting, you guys are still waiting on that. Do you have any idea when those may be coming? Did they give you a time line?

KP No they didn't.

[redacted] OK

KP It was the ones from June and July that I was looking for specifically.

[redacted] OK

KP So I use a credit card normally to pay for that type of stuff, so hopefully this week.

[redacted] OK and just so we're clear, the June one was from the time you were up there also for the police and fire games? In San Diego?

KP The June one? I thought the June one was from when I was in San Luis Obispo. I don't

[redacted] OK but those are the two months that you only have? Those are the ones you know you have record of or you requested? You don't have any others for any of the months through June through November?

KP June through November? Well, from, I requested all of them, all of them previously. I've got the last 60 days of them or whatever.

[redacted] OK

KP I mean, I can print those out.

[redacted] OK, like I said, whatever you had from specifically June through November but anything really from, just to cover everything from January 2012 to November 2012.

KP (inaudible)

[redacted] November would've been when you left that your San Diego Unit right? Officially?

KP Ahuh

[redacted] OK, uhm, clarifying another thing with the 1380's that we discussed from our first interview. You mentioned that you didn't need any points obviously. You had completed all your points from the schools that you went to essentially.

KP Ahuh

[redacted] uhm, you didn't need it for pay?

KP Ahuh

[redacted] Why didn't you submit any 1380's for the time that you were there? During specifically those months from June through November that we discussed?

KP I didn't submit the 1380's, normally you submit the 1380, you can submit it for points only or for pay. And I didn't need either one of those.

[redacted] Well we clarified that last time. You could also do it for retirement.

KP Points is the same thing as retirement.

[redacted] OK you can submit them for retirement though? 1380's?

KP Ya but I'd already made my points for that year so there was no point in me doing that.

[redacted] OK, correct me if I'm wrong, when you, when you submit you don't need points for pay or points for your reserve time essentially...

KP Ahuh

[redacted] You can always submit points for retirement? There is no cap points for retirement unless you're retired?

KP No what there is, there's a range that you have to be in per year, depending on if you do active duty time like schools or training or how many drills you do or whatever the case may be. Once you achieve the minimum of that, it counts as a good year towards your, towards your retirement.

[redacted] I understand that.

KP There's a cap on points per year that you can have. You can't go, I can't go do a bunch of, a whole bunch of, unless I'm on active duty deployed or something like that. I can't got do a bunch of stuff and submit for like two times the amount of points in, in one year towards retirement. If that makes sense?

[redacted] OK, the way it was explained to us if you satisfied your points for, for reserve time or whatever time that you are required to do for that time period, you don't need to put in for pay if you're not looking for that, but you can always put in for retirement points.

KP There, I didn't, there, there wasn't any need for me to put in for retirement points at that point because I had already made the points in needed for that year.

[redacted] But what you are saying is that, you can't, even though you satisfied that other, that other requirement, you're telling me that you can't put in, you couldn't put in for additional retirement points?

KP I, I don't know. Frankly I wasn't interested in putting in for additional points at that point. I'd already made a good year based on being on active duty for the three or so months that I was and the drills that I had already attended.

[redacted] Ok the reason I'm asking that is because the one, the one day that we actually have somebody that can verify that you were there. The day you did your height and weight essentially, uhm, one point was submitted for basically 4 hours which is the minimum you'll get because they verified you were there about 30 minutes, tops.

KP Ahuh

[redacted] So you got one point off of that.

KP OK

[redacted] Uhm, that's the only time that something was submitted during that period.

KP OK

[redacted] Even though you were only there for 30 minutes. All the other times you, you know it was a couple hours here when you checked in that we discussed. No points were submitted, no 1380's were submitted for retirement or anything.

KP Right.

[redacted] during that time. Why?

KP no 1380's were submitted because I didn't need the points and I don't get paid and I'd made the amount of points that I need for that fiscal year. Specific to that one incident, I didn't request a 1380 be submitted.

[redacted] That's what I'm saying, somebody verified that you were there.

KP Somebody just did it, assuming that every time I show up there I was submitting a 1380. Because traditionally or normally there's very few people I know that don't get paid by the reserves, that are in the situation that I'm in.

[redacted] That's what they told us, that normally people put in for pay.

Right, I don't get paid because it messes up with my, VA disability percentage that I have.

[redacted] And you're getting paid through us too? Not everybody is in that same circumstance as you. Right? You're getting paid through your employer so you don't need the pay through them.

KP That doesn't have anything to do with it.

[redacted] OK

KP Uhm, I don't get paid by the reserves because my VA disability percentage equates to more than I would make on a drill weekend. And it's tax free so if the reserves pay me then they, I get paid that amount, taxable income, they deduct it from my VA percentage per year. Which is a non-taxable income so I end up losing money on the deal. So since I've been back from Afghanistan I've been in the United States Army Reserve because I like to serve in the Army and I enjoy doing what I'm doing. I don't need the, I don't get paid unless I'm on active duty status. Most of the time when I'm on active duty status I'm on vacation status here. That's when I'm away at schools or doing whatever it is that I need to be doing. That one 1380 was submitted, essentially without my knowing about it because

[redacted] It was submitted it though? It was submitted

KP Ya, I got a copy of it. Ya I didn't know it was submitted until well after the fact. You know, it's, it's kinda the normal way the business is conducted because there's not many people in the situation that I'm in. so normally when a soldier goes in to do whatever, whoever the, whoever the NCO is or whoever the officer is or whoever the officer is that is dealing with them at this point will take care of a 1380 for them. And so unbeknownst to me, that's what happened on that one instance. I didn't request that a 1380 be submitted.

[redacted] OK. But you are saying that you're, you don't know about being able to submit points for retirement. You don't know if there's an actually cap for that because we were, it was explained to us, that you could always submit for retirement points if you don't need pay or if you don't need to satisfy your, your points for reserves or retirement?

KP I don't know. The way it's been explained to me and the way I've always understood it since I've been in the reserves is that there's an amount of points that you need to achieve to have a good year of service.

[redacted] I agree with that.

KP And that's what I've kinda geared myself around. So once I knew that those points were achieved it really wasn't important to me to submit 1380's for more points. Because I'd already met the amount of points I needed for that year. I was concerned I about making the amount of points I needed for that year to have a good year.

[redacted] OK

KP So if there's the ability to continue, to continue on and submit more and more points towards retirement then that's something that I haven't been taking advantage of.

[redacted] OK well like I said, that was verified that day by [redacted].

KP Ahuh

[redacted] Who submitted the time? These are the times that you say you checked in. Who exactly, do we need to go month by month again so you can tell me who you checked in with?

KP I certainly hope not.

[redacted] OK can you tell me who you checked in with those other months? June through November?

KP Again, on many of the occasions I would show up at the unit, there would be training going on, people would be doing whatever it is that they are doing and I would go in and show my

face in the place. I don't know who saw me. I don't know who didn't see me. Walk around talk to some people handle whatever business that I needed to handle while I was there.

[redacted] That is what we were trying to get at, what business were you handling during that time? Because it was no training that you were doing during that time?

KP Ahuh

[redacted] That's why we're here again. Just to allow for more clarification.

KP It, right it could've been as simple as dropping off keys. I had keys to the building. On one instance I went in, that I went and dropped off. Uhm, I had some equipment there at one time that I went there and picked up. Because I left a bunch of stuff in my little office cubicle there so I wouldn't have to haul it back and forth from Fresno to San Diego all the time. So I went down there and picked that up one day. Uhm, I believe that one time I went and met with the career counselor down there to finalize the, the, the transfer stuff that I needed to do. I mean.

[redacted] Do you remember who that was?

KP It was, it was one of two people, I don't know either of their names because I don't deal with them very often. Uhm, it, it, it just depended. I wasn't there for a long period of time. I'm not claiming that I was there for a long period of time. But I went in and I was in the area in case, I feel obligated to be there and I was in the area in case somebody needed me for something. Uhm, I was subject matter expert for that unit in a couple of different things. I had networked with a bunch of different civilian companies and agencies and what-have-you to do different types of training. So I wanted to make myself available. If nothing else if anybody had any questions or needed to go do a face-to-face meeting with these people or whatever the case may have been, that I was there, you give me a phone.... the idea was, I'd be there, you'd give me a phone call and we can go. We can go link up and do this stuff.

[redacted] But that never occurred?

KP Never occurred. I don't know why, but I was available to do it though.

[redacted] When did you get relieved or replaced with, of command of that unit? When did they bring in the new captain?

KP I don't know when they brought in the new captain. When I came back from my schools, previously going to my schools I was going through my divorce, my custody of my kid was up in the air and I'd been placed on what was called the battle roster. Battle roster is a list of names that's put together for deployment. I believe it was a deployment back to Afghanistan. I've been to Afghanistan; I got these problems going on at home right now with my kid and stuff I really didn't want to go back to Afghanistan at that point. So, I, I did my best to get off the battle roster, which is kinda like pulling teeth. And in a lot of situations I was have to coordination from home, trying to get different peoples phone numbers because what they do is, in the reserves they compile a bunch of people from all over the United States together to fill these rosters to deploy them. So my first line supervisor might have been in Ohio, or might have been in Florida or something like that. Some dude, who I have no idea who he is. So it takes a little bit of research. It takes a little bit of leg work to kinda track these people down. So that would be the only person that could release me from a battle roster. To the best of my memory I was put on like three of these things. One before I went to the schools and two after I got back from the schools. So because I was put on those battle rosters I was taken out of my command spot. It wasn't necessarily a commander that was put in place right away. The guy who took my position was a instructor at a school in Ft Brag, I guess, I don't remember it was right around when I got back so I don't think....there wasn't a transition where I was I went out and he came in type of thing.

[redacted] Col [redacted] said that you were excused or he was, you were replaced by a different,

KP Ahuh

[redacted] Is it commander? Captain?

KP Captain, ya.

[redacted] Uhm the end of December 2011 and he was, he was pretty much essentially running everything from January 2012 to, I mean I think, until now. I don't know if he's still there?

KP ya he is still there. I don't know if it's accurate or not. I, I'm not for certain. From the time, honestly from the time that I got back from the schools, up until I think it was probably like the month or two before. He and I, he being the new company commander, started talking about some different things.

[redacted] When was that then?

KP When we talked? When?

[redacted] Ahuh

KP I mean, uh, we talked frequently on the phone and stuff like that because he kinda took the job that I had before.

[redacted] So you said he was replacing, according to [redacted], being replaced the end of December 2011, since you being the guy from January 2012 on, does that sound right?

KP It, ya sure it's sounds right that, I mean, that I'm not for certain when he officially took command. I don't think it was in December of 2011. It couldn't have been in December of 2011 because he was, I believe he was still at Ft Brag being an instructor at that time. But I think also that we're splitting hairs here. I mean, I don't think he

[redacted] You weren't, essentially after that, after you got back, you weren't doing anything in that unit as far as (talking over each other)

[redacted] Except trying, trying to get off these battle rosters.

[redacted] I understand that. I'm just talking about training right now.

KP Right, right

[redacted] Going there and doing training, at that unit....

KP Right

[redacted] OK uhm, he also stated that and I think that you kinda alluded to this too, that you didn't' attend any training for the San Diego Unit during those months that we discussed, well after you came back from school you didn't attend any training, at that San Diego Unit?" you were doing those things we discussed other than training?

KP Ahuh

[redacted] That you were in that transition period?

KP Ahuh

[redacted] He said that whatever you were doing that we discussed, I told him that the things you told me during our interview, uhm, looking at different cites, finalizing paperwork. He says, I don't know what he was doing in regards to that. Anything that in regards to training that he was doing would had to have been authorized through him.

KP Ahuh

[redacted] And you never spoke to him regarding any type of outside training. He said you were excused from attending training during that time because you were switching units.

KP Ahuh

[redacted] But no, no conversations or no paperwork was submitted through him of anything that you would've been doing related to training with that unit. For those, for the time period we discuss. He said from January thru November when you left I was supposed to be more specific and ask for June through November.

KP Ahuh

[redacted] Is that correct?

KP Training is ya, I, I am not saying that I did any training that would require his authorization. While I was there. I'm

[redacted] He's saying, well, I'm, he said that whatever we discussed, you know the explanations that you had for us during those trainings. Those months, specifically June through November, that it had nothing to do to benefit that San Diego unit.

KP I don't know about all that. And the other thing to consider is, too here is that he and I really didn't get a long the whole time I was a company commander and he was my boss. We didn't see eye to eye in a lot of different things. So much so I think I am waiting on an evaluation that's about almost 2-1/2 years overdue from him which is a big, which is a big thing, I mean there's an investigation going on within the Army right now as to why I don't have this evaluation yet.

[redacted] OK

KP Uhm so anything to benefit the unit, to put things in prospective, he's the battalion commander and you know, he oversees probably 300 soldiers as a company commander I oversaw maybe 40 soldiers. So the stuff that I was doing I was making myself available to anybody who wanted to utilize the resources as far as the networking, the people that I had met the time that I was down there doing things. But also specific to my unit. You know, specific to that one company. So he wouldn't have had visibility on anything necessarily that I am doing down there. I definitely didn't come check in with the guy.

[redacted] No he wasn't saying that.

KP And at that time, and all that time he'd allowed me to be put on two battle rosters knowing of my personal situation. So I wasn't exactly happy with him for allowing that to happen. He had to sign off on something to release me. He knew what I had going on at home. And yet he was still, "Ya ok we're gonna put you on this battle roster" kinda thing.

[redacted] You think he told us what he told us because he didn't like you?

KP I don't, I don't think so, I mean that's not what I'm saying.

[redacted] OK why would you bring up the fact that you guys didn't get along here?

KP I'm just saying, it, if we had a better relationship I would probably be more likely to, on the days that I went in there, go in and pop into his office and you know talk to him a little bit or something like that. The guy was my boss for, for 18 months to 2 years. That's what I would normally do. But because we didn't see eye-to-eye on a lot of stuff and we didn't get along and I had trouble getting these evaluations and he threw me on these battle rosters knowing that I had personal stuff going on at home, that's the only reason why I bring that up. I'm not arguing with anything that he says. I didn't participate in any training.

[redacted] I was talking about the checking in and being available to him. I mean that could've been done from Clovis. Calling someone and saying, "Hey you have my number." They have your number.

KP Ahuh

[redacted] "If you need anything give me a call."

KP I guess I could've been. But I mean the reality was if somebody needed to meet somebody face-to-face or needed me for something I was making myself available down there to do that.

[redacted] OK uhm our last conversation again when we did our first interview, uhm, we are talking about military time off, submitting that with the title "Military Leave", "Drill", the different titles essentially that you put into our time off system, Plan-It, we discussed putting that title and then burning your own time bucket and the fact that you didn't understand that that needed to be, that we were going to automatically grant that time off. The other interview was the first time that you that was the case.

KP Ahuh

[redacted] Uhm, you remember having conversations with Lt [redacted] about your military time off?

KP Ya absolutely.

[redacted] OK, several conversations?

KP Ahuh

[redacted] The understanding was finally that you would provide your military schedule for the entire year essentially?

KP Ahuh

[redacted] And once you did that, that that was essentially the time you were going to get off. There was no question as you not getting those days off?

KP I didn't understand it that way. I still had to submit it through Plan-It. He requested I still submit it through Plan-It.

[redacted] Right and it was all approved.

[redacted] OK

[redacted] It wasn't give me the time off and we will see about getting you off. It was, what was, actually what was, what was the conversations that you had with him when it came to that?

KP Uhm,

[redacted] Simply to submitting.

KP We had a bunch of different conversations about it. I remember the one where he requested the memorandum that has the dates that I do drill and stuff like that because he said that the city needed to verify it or whatever the case was. Uhm, I remember a conversation I had with him in the gym about it. He was questioning some of the things we were doing for training because there was like a holiday thing put on, like a family holiday thing, or whatever, he was, "This is what you guys do?" I go, "I don't plan this stuff, so I don't know." There was a couple of conversations like that just in passing or whatever. I don't recall ever being, ever being, ever it being explained to me, "Hey, here's this piece of paper", uhm, I mean, after providing the piece of I assumed I was going to get those days off. But I didn't know that after submitting it in Plan-It, like I said before, submitting it in Plan-It and titling it Military or Drill or whatever the case may be, automatically gave me the time

off if that makes sense. In hind sight, in hind sight because of the transition period I was in and stuff like that, and honestly uhm, there was probably situations where I didn't need to go down there and I could've stayed here and worked. You know, I should have titled it something differently in Plan-It. You know, and taken it out of my vacation bucket and used, used all the military time for the active duty schools that I was on. Where I have verified orders showing me at Ft Brag NC or Ft Benning GA or whatever.

[redacted] That's not even the time period in question. We just covered that but essentially in June through November is what we are looking at.

KP I understand that, but what I am saying is...

[redacted] No I understand what you are saying, "You should've used that time instead of using your CTO during those schools." I know you used a lot of that time during that. But the reason, the reason that Lt [redacted] requested that yearlong schedule is to be able to put you in there and try to minimize the overtime shifts, the extra board shifts for that shift that you were impacting.

KP OK

[redacted] Right?

KP Yes

[redacted] A better plan for scheduling.

[redacted] You are saying, "Yes and sure" do you actually know that? Or are you just agreeing that that is done?

KP I don't know when somebody takes a piece of paper from me. I don't know that that's exactly what's going to happen, but I know that, that's kinda what I assumed was going to happen.

[redacted] That was part of the conversations was that Lt [redacted] had with you. At least that's what he relayed to me. That was the reason he requested that, because a lot of times before that happened it was, "I need this weekend off." It might have been the week prior, "I have a training week, drill week, I need time off." And it was causing, causing a lot of extra boards for that shift. So they wanted to better plan for that.

KP I understand. He started requesting that at the beginning of the rotation for me to plug all that stuff in, but it was never explained to me that, "Hey you're guaranteed to have that time off." I always, I thought that if, if there was going to be a conflict, a serious conflict in like somebody was going to be ordered in or something like that, I would've had no problem requesting to be excused from it and staying here. If I didn't, if it wasn't when I was a company commander down there and had some sort of major training event going on. During that transition period I would've been more than willing to do that type of thing.

[redacted] Well that's essentially the issue. It had happened. The conversations with Lt [redacted] were that. That stuff was explained, you should've known that.

KP It wasn't explained.

[redacted] OK he's saying different.

KP Well, it wasn't explained to the degree that, "Hey this piece of paper guarantees you all these dates off." It was never said to me like that. And I always assumed, and I look at Plan-It all the time and you know I get alerts on my phone and stuff like that so during that transition period if there was ever a major conflict when like somebody was going to have to be get ordered in or whatever the case was, I would've been more than willing to stay and work.

[redacted] Let me ask you this, was any military time off that you ever requested denied?

KP No, it's never been denied.

[redacted] That's it, do you have anything else?

[redacted] I was just going to advise that the last conversation we had, the same conversation took place, the question was asked, "If you know when you submit Military you know you get it off?" but agreed. So

[redacted] Wait a minute. I think that misstates what he said last interview. I think last interview was very clear that if he put in for Military Leave and out of the bank Military Leave he knew that that was an automatic, but he was very clear last interview that he thought there was a distinction between the leave bucket and the actual title of the request. I think that is completely misstating what he said last time.

[redacted] OK well when he said ... and that was one of the parts for today's interview, try to clarify that based on the conversations you had with Lt [redacted].

KP Again, in conversation with him, I never ever recall him saying, "Hey because you submitted this form these dates are guaranteed to you off." You know I knew that those were the dates that I was requesting off under Military because I had planned on going and attending during those dates. I think the issue lies, like the year or year and a half before when I was the company commander and the

[redacted] Kyle, none of that, the years prior, nobody is saying that you did a lot of training. We are just talking about this. I know you've done a lot for the Military.

KP And that's not what I am trying to prove.

[redacted] I'm saying that's not what we are asking.

KP All's I am trying to say is that the whole thing came about, about requesting and what you were saying about the short notice request for Military time off. That happened in one instance I think maybe a year and a half prior to this. Where we were jumping and they rescheduled the jump and I had to request for it, I think it was like two weeks in advance or something like that. And I wanted to alleviate that from happening so I always submitted the memo that has all the dates of, of all the anticipated drills for that year. Now, be, uh, when I submitted that at the beginning of the rotation I fully intended on attending all those drills and training and so one, and so forth. Uhm, I didn't foresee my personal life going to shit. I didn't foresee, uhm, me having to be taken out of command in San Diego because of it. Because it was putting a strain on me and having to travel those distances so often and stuff like that. I didn't foresee any of that happening. I didn't foresee me starting a relationship with this girl. You know I didn't foresee any of that at the beginning of the rotation when I submitted for all that time. Again, I would've been more than willing to, if there was a conflict, or whatever the case would've been if it was brought to my attention, that hey maybe I'm dreaming a little bit here, but you know, if it was brought to my attention, hey, we are in a jam, we're going to have to order somebody in, during that transition period where I would you know just be going down there checking in, making myself available, by all means I would've stayed here. By all means I would've stayed here and worked.

[redacted] But unfortunately you're the only one that knew about your circumstances. Did you ever off, volunteer? Nobody knew that you did not need to be at that training.

KP I can recall a couple instances where I had discussions with, I mean there was August I believe it was where I only did stuff on one day and then there was another instance

[redacted] I totally, I recall that conversation. You didn't tell me, you didn't explain all this transition period, I don't need to be at mandatory training. You just said, "Hey I don't need to be there on this date."

KP Honestly on the heels of, on the heels of, uhm, of the when I was in Afghanistan for a year and coming back and being injured for a year and the issues that I went through with the city and so on and so forth because that, on the heels of that and trying to explain that to everybody here, everybody here I mean my first line supervisor, I mean the association president, I mean Lt [redacted]. Whoever wanted to know anything about this story. Everybody came back to me and said, "Hey, we've dug into this a little bit but we don't understand what's going on here." On the heels of that, I was just kinda under the assumption that if I wouldn't have explained myself to the degree that I'm having to explain myself now that I would've been met with the same explanation or the same answer.

[redacted] So you think during that time if you had come, well to me, and said, "Hey, I don't need to be at training for these months. I've been excused from training. You can put me back on the schedule." That wouldn't have happened?

KP Well I am sure that would've happened. All I am saying is, if, there, there was a couple of months there initially when I got back from the schools where I needed to get down there to do the research to figure out how to get off of, of the deployment rosters and all that other stuff. I wasn't trying to deploy. I don't want to go back to Afghanistan.

[redacted] I understand that. Ok that would've been one or two weekends. For the rest of those months?

KP For the rest of those months, uhm ...

[redacted] If you had come to me, specifically, I am not even talking about anybody else, come to me and say, "I am not required to be at training during these months. Can you put me back on

the schedule?" Well what do you think? You don't think I would've put you back on the schedule?

KP Well, no I'm sure you would've put me back on the schedule. And in, in, in that is not what I am really saying. I am saying that if I would've come in and explain the entire situation as to what I was doing and that you know, hey, I am in this transition period, blah, blah, blah, blah. I'm drilling for points not for money. I made all my points this year, blah, blah, blah, blah. I'm not sure anybody would've understood that, is what I am getting at.

[redacted] But the thing is, you being gone from your work week here has always caused short falls or issues in staffing. So, you know this, so don't you think if you had specifically come talked, not even to me, and say, "Hey, I don't need to be in training. Put me back on the schedule." You would've been put back on the schedule?

KP Specific to you I'd probably have been put back on the schedule ya. I'm

[redacted] Ok you talking, if not me, other people wouldn't have?

[redacted] If, if I just walked in there and said, "Hey I .....

[redacted] This is all assumptions I know .

[redacted] Ya

KP You know if I walked in somewhere and said, "I don't have a lot going on this weekend put me back on the schedule." Of course I'm going to get put back on the schedule. But then what I don't want to do is create the question mark in people's head that you know, down the line when I'm actually doing training and things of that nature, well, does he really need to be there or does he not" you know what I mean? I didn't want to dance on both sides of that line. Is I guess what I'm saying. I don't want to be a question mark in anybody's head that when I am actually doing training that's what I am doing.

[redacted] OK. Ok. Do you have anything else?

[redacted] No

[redacted] You have anything?

KP hunha

[redacted] Ok that concludes our interview. Time is now 10:45

End of transcription: law

TRANSCRIBED BY: [redacted] DATE: June 4, 2013

[redacted] [redacted] Police Sergeant
[redacted] [redacted], Police Corporal
[redacted] [redacted], Complainant/RP

[redacted] Where do you work at?
?? Dick's Sporting Goods.
[redacted] Oh, ok.
?? So I was just like right down the street.
[redacted] Today is March 8, 2013, [redacted] myself, [redacted] and Complainant [redacted] [redacted] is present during the interview.
[redacted] 5:50
[redacted] It is 5:50 pm. OK [redacted] thank you for coming in once again. Uh, you submitted a complaint form on the 5th of this month and that's why we're here to get some details regarding that. If you could just go through the complaint you submitted, uhm and then we will ask you specific questions in regards to that complaint.
[redacted] OK
[redacted] OK?
Should I just start off with the whole story? Or
[redacted] Sure
or should I just go off of the points I made in the letter?
[redacted] You could, just, the letter you submitted, ya just start with the letter and then if you want to get into certain specifics while you are going thru that, that's ok, like I said, we'll ask you questions that we need at the end of the story.
[redacted] Is it possible that I could look at it so I don't miss anything or should I just talk about it?
[redacted] Just talk about it and then we will ask you specifics, ya.
[redacted] OK initially I met Kyle, I think it was April of last year, I actually met him while he was working. He was on a call with a girl that I knew, that I was hanging out with at Neighbors and she got a phone call from a private number and I answered the phone and he said, "Hi

this is Officer Kyle Pennington with the Police Department." He was investigating a tailgating, like a tailgate thief at the time and it happened to be that girl's boyfriend. And so he met up with her and he talked to her about her boyfriend that was allegedly stealing these tailgates and then met up with her and then he actually ended up giving us a ride home from Jimbo's in his patrol car and then that's how I initially met him.

[redacted] Do you know, do you have an approximate date when that happened?

Uhm, I believe it was the 15th of April. I know the guy's name that would, I think he actually arrested him that night. His name is [redacted].

[redacted]?

Ya.

And what was his girlfriend's name?

[redacted]

and that's your friend?

Ya, well I really don't speak to her anymore but ya, that's who I was with at the time. He gave both of us a ride home in his patrol car. Uhm, and then after that we kinda started hanging out and stuff and he was always, we started a relationship and he was always constantly telling me lies and I found out that he was having an affair with his wife and stuff and but before all that had taken place during our relationship he used to always come over to my house while he was working and he would come inside and we'd you know, have sex and stuff while he was supposed to be working.

[redacted] So he showed up in his patrol car, full uniform?

Ya and like during sometimes he left the majority of his uniform on. And I went on a few ride-a-longs with him where that kinda took place too. Uhm and then during our relationship, uh and any time we'd have an argument there was a few times where he go physically aggressive with me. So much so to the point that there was bruises all over me. Uhm, I had an extremely large bruise that covered the majority of my arm at one point. I think I have pictures of it. I know I took one when it happened because I was like, "oh my gosh, this is serious." I had emailed it to myself to delete it out of my phone but for some reason I can't find it in my email. But the time that I had talked about that he was on light duty and he was

not supposed to be working and we did a job at Tahachi Palace. I have, that bruise was in those pictures, but the ones that I have right now you can't really see it, but that's like the only really documentation that I have of it.

[redacted] OK, since you stopped there, let's go back to when you said you guys met on this call. So how did that end up happening? Obviously you met for the first time, how did that evolve to this relationship?

[redacted] Uhm, well she, he had known her because he had met her out, I think at a year prior to that he had said. So he still had her number in his phone. So that's how he actually got into contact with her when he realized who [redacted] girlfriend was at the time, so he contacted her using the number that he already had and then later that night we had gone over to Jimbo's because we were originally at Neighbors and then we went over to Jimbo's and he had to take her car for the investigation or whatever was taking place and so she was actually without her car and so he was like.

[redacted] He towed it?

I don't know what, where it was. But she was like, I know him so maybe he'll give us a ride home. I was like, "He can't give us a ride home, he's working right now." She's like, "I don't know, I'll ask." So she asked him like, "Hey do you think you can give us a ride home?" and he was like, "Ya" and so he like parked around the back, we got in, you know, kinda being loud and he was like, "Shh you guys have to be quite like so no one sees you guys." So then we got into the car and he drove, he took us to her house.

[redacted] OK and

So then uh later he met her for lunch at one point and then I went with her and he met up with us at Eureka Burger so then ever since that night that's when like he and I kept in contact.

[redacted] You guys exchanged numbers at that point?

Ya.

[redacted] OK So you guys started talking that way and that evolved into a relationship?

Ya pretty much.

[redacted] When you said that you found out that he was cheating on his wife, he was currently married at that time you guys started dating?

[redacted] Ya. He's actually still technically married. During the whole like first course of our relationship he would always tell me things like, that he originally told me when he asked about it because I am currently going through a divorce. I have a child, so he told me he was divorced and he had a son too and he had a custody arrangement and all this stuff and it just didn't really sound right to me and so I went on line because that's public record and you can see if someone is divorced or not or if its filed. So I went on there and there's nothing. So I questioned him about it and he's like, "Well you know I'm not really divorced yet, but I didn't want to scare you off so I just told you that." I was like, "OK well I guess that kinda makes sense." So we continued our relationship and so then the whole time he uh talking to her later I realized he was lying to both of us the entire time.

[redacted] When did you speak to her?

I had Facebook messaged her. Let's see when it was?

[redacted] You said you looked up if he was actually divorced, how far after you guys met did you do that?

[redacted] I think it had been maybe three months or so.

[redacted] OK just things weren't adding up?

Ya and he had told me about how he had previously cheated on her and had a four year long affair with this girl named [redacted] and so I was always really suspicious just knowing he is capable of doing that. Especially he had told me that he and his that he had known his wife and had been together with her for nearly 12 years. So I always thought, you know if he's capable of doing this to someone he knows for 12 years, what is he going to do to someone he's only known for a few months you know. So that, it always just raised suspicions for me. And so, uh, after that I found out that he was actually still talking to that girl too and still having an affair on his wife with this same girl, but then brought me into the picture as well because she started calling me saying that he and I, that they were still together, blah, blah, blah you know I questioned him and he obviously lied about it and I unfortunately believed him. And so then eventually they stopped speaking and then it was

just him lying to his wife all the time and then lying to me about it. So it was just kinda this big web going on.

[redacted] What time did you Facebook the wife?

Oh, this was just recently when I, when I stopped talking to him.

Do you remember when that was when you stopped talking to him?

Uhm, I think it was, let's seen when I went down, I want to say it was like two months ago.

OK

So the beginning part of the year or after Christmas? New Years?

It was, it was definitely after New Year's.

So in January maybe?

Ya

Was there an incident that took place?

He had during one time when he was supposed to go to his military duty, was when we first met and he, I always had suspected that he had gone down to San Diego with someone else because he and I coincidentally went down there at the exact time and so and we met up while we were both down there and he was just acting really suspicious and I, he was in a different car than he normally drives and so I was like, "Who's car is that?" and he had some excuse for it and I always suspected that he was down there with another girl and so I finally got him to admit to it and that he had actually gone down there and was hanging out and partying with his friends and these girls. I still don't think he told me the true story but that was kinda the icing on the cake because he had cheated on me in the middle of our relationship and so uhm after that I was just kinda like, you know what, I'm just done. I had to go down to San Diego for a family emergency and he didn't want me to go down there and was like super mad about it and we got into an argument and once I went down to San Diego I just kinda thought about things and I thought, "No way. I cannot talk to him anymore there are just too many red flags. He's told me too many lies and I just want nothing to do with him." But we were renting a house together and so

[redacted] Where at?

The house that he still currently lives in, [redacted].

[redacted] During this time when you guys started dating and he used to visit you at your house, what, were you living at the

[redacted] I was living at my mom's house.

[redacted] Where is that at?

[redacted]

[redacted] So the address on [redacted] that's a different?

[redacted] That's my current address.

[redacted] Ok so this whole time you were having relationships with him you were at your mom's address on [redacted]?

[redacted] Ya until we moved in together.

[redacted] Ok gotcha, and when was that? Into your relationship, how long were you?

[redacted] Uhm, let's see, April I'd say around June, June-July.

[redacted] OK

[redacted] It was pretty much, actually probably even before that, I'd say May-June and then I think we moved on August 1st, was our move in date.

[redacted] And that address was what again?

[redacted] the [redacted]

[redacted] OK, uhm, so you mentioned some of the military time off

[redacted] Ya

[redacted] Where you say that he was supposed to be off on military time from here and you know that he wasn't actually doing military duty?

[redacted] Ya since the entire time that I've known him he has only one time gone down to, to do actual military stuff. All of the other times whenever he was like off, we always either went out of town or we'd hang out around town and he was actually not doing anything military related.

[redacted] How do you know that he was off for military time?

[redacted] because he told me.

[redacted] He told you, OK

[redacted] Ya and there was a few times where he even actually would log onto his computer and say, "I think I have that off." Because he would request it off in advance, is what he told me, and so he would like pull it up on his computer and say, "Ya I have that off for like military duty." But he would never actually go.

[redacted] So the times that he told you that, you were with him doing stuff?

Ya

[redacted] And it wasn't military?

Ya

[redacted] OK did you guys stay in town or would you?

On a few occasions we did and that's when he mentioned to me that, you know I'd say you know, "What do you want to do?" he'd say, "I don't know. We can do this or we can do that." And I would suggest something and he would say, "OH no we can't do that because that's in Clovis. I need to stay out of Clovis." And so we'd either go to Fresno or we'd go out of town or we typically he didn't' want to stay here.

[redacted] Do you have, do you remember any dates for any of those?

Uhm, not really. I'd have to kinda dig around in my Facebook. I could probably go along my wall if it goes back that far and kinda see any times that I've gone out of town, it was most likely with him.

[redacted] OK, OK.

[redacted] Any bigger trips anywhere specific?

We went to San Diego one time. We actually, during his most recent time when he was on light duty, when he wasn't even working light duty but he was off and you guys had actually called him to start working light duty, he had a whole Disneyland trip planned, but I actually talked him out of it because I told him, "You can't go to an amusement park when you are like injured and your work, don't you think they are going to question you and say, 'How can you walk around an amusement park and chase after two kids when you're not able to work?'"

[redacted] So that trip was cancelled?

Ya

[redacted] And that was right before he came back to light duty? Actually working?

That day that he got called back we were supposed to be in Disneyland.

OK

So whenever that time was.

You mentioned other things that he was doing while he was off on light duty. Can you talk about those?

[redacted] There was a few times we went to the park with our kids and we played basketball and he'd run around with the kids and he would do things around the house. It was just like basically everything was normal except he wasn't going to work.

[redacted] What did he tell you he was on light duty for? What injury?

For his knee and then after his knee he had an ankle injury.

You said, obviously you went to the park on one occasion and he was running around, did he ever mention that his knee or ankle hurt?

Not really. He would say that it was swollen and he would go to his doctor's appointments. But other than that, no. And he, in fact he was, he kept saying that like things along the lines of, "I hope it doesn't get better that way I can stay on light duty or stay off work", things along, things of that nature.

[redacted] You also mentioned in the complaint that he would go to the gym quite a bit?

Oh ya, he went to the gym every single day that he was on light duty and that he wasn't working.

[redacted] Did you ever go to the gym with him?

Ya there was a few times I did.

What kind of exercises or activity did he do?

Just his normal stuff like lifting weights and doing legs and

Did he do anything to work around the injury or that you noticed?

Uhm, no his routine didn't really change much.

OK

What gym?

GB3

[redacted] Herndon/Fowler?

Ya he lives right across the street from that one and that's the one I would typically try to go to but he always likes to go to the Sunnyside gym. The one at like Sunnyside/Kings Canyon.

[redacted] Is there a reason?

I don't really know. I think it's just mainly all because of the women he talks to, he likes to avoid them. Honestly that's my only guess at it.

[redacted] Hmm, tell us about the, you said he got a side job I guess along with you over at Tahachi Palace?

[redacted] Ya that was on New Year's Eve.

[redacted] How did that come about?

Well I had a friend, like he does events and he had advertised it on Facebook. And so I saw that and I inquired with him about it and after he gave me all the information he mentioned that he needed a guy for the job too. So I was like, "oh well my boyfriend, he, like he might be available to do it." And so I text him and asked him, "Hey are you available to do this job?" and he said, "Ya" and so I said, "My boyfriend can do it too." So New Year's we went down there and did the job. He had to stand there for four hours. I had to stand there for four hours and then after that we just hung out there because they gave us a free hotel, so I do have pictures of that.

[redacted] How was he standing? IN what position?

I have a picture of it.

Did you guys get breaks in between those four hours?

Uhm, we would get about 10 minutes in think every two hours. So I think they gave us more I think we had two breaks the entire time.

[redacted] Before, what you are bringing up is that saved in your photos on your phone or is it on Facebook?

[redacted] It's an email. And he was kinda like, uhm he was, I could move around but for him he just had to stand there and not move.

[redacted] Painted gold huh? You also mentioned in the compliant that on several occasions he drank and drove his personal vehicle.

[redacted] Ahuh.

[redacted] Can you give us details on that?

Pretty much anytime that we ever went somewhere and we were drinking he would always drive. And it would kinda start off with us having dinner and maybe a drink and if it ever got you know, if we ever stayed longer, he would get to the point where I would tell him, "You know, you really shouldn't be driving." And I actually work for Sober Guys, Incorporated. And so I get a discount there and I would tell him, "Why don't we call someone and have them come get the car that way you're not driving." And he would always say, "Oh well, we're in Clovis so it doesn't matter." But if we were ever in Fresno he would still do the same thing but he basically say something along the lines of, " Because he's a police officer he's not going to get in trouble for it." And there was times where he definitely should not have been behind the wheel.

[redacted] Why do you feel that way? As far as?

Because he was that intoxicated.

[redacted] You could definitely tell that he was, ok Do you have any specific dates as to any of those incidents?

[redacted] Uhm, not really, like I said, if I could go through and kind of dig through my Facebook I might be able to pin point a few exact dates.

[redacted] OK and when you said he was drinking, what was he, what type of alcohol was it beer?

Usually beer. Ahuh

[redacted] OK. Did, did you get in the vehicle and drive with him those times?

ya I was in the car.

[redacted] Did you notice any, I guess any of his driving being bad or dangerous, any near accidents or anything like that?

[redacted] There was, not necessarily accidents but there was definitely a few times where he was you know, definitely weaving in between the lanes and I would tell him, you know you really need to pay attention to your driving here, like you're not driving good at all. But typically

we would go to Neighbors which is right down the street so it wasn't like a very long drive that he had to drive.

[redacted] OK You had already discussed him going and visiting you at your house when he was on duty. How did that come about? Did you invite him for lunch or how did that start happening I guess?

[redacted] He would text me constantly while he was working and there was a few times where he would text me specifically for that reason and say, his exact first text that would come in would say, "Hey I want you right now. What are you doing?" and I would say, "I'm at home right now." And he'd say, "Well are you busy?" and I'd say, "No" and he said, "OK I am on my way over there right now." And so he would get to my house and come inside.

[redacted] Confirming your mom's house?

Ya. And so he would you know, we would do that and then he would either stay or sit outside or kinda stand by his car and we'd talk forever and that's pretty much it.

[redacted] What days of the week was this happening on?

Uh the weekend.

[redacted] weekend?

Ya cuz he was working the Friday thru Sunday shift.

[redacted] OK when you said that you guys had sex, sexual intercourse?

Ahuh

[redacted] And you said sometimes he stayed half dressed in his uniform?

Ya

[redacted] OK were you guys doing anything other than, I guess straight sexual intercourse, anything else you guys were doing?

[redacted] Uhm

[redacted] I know this is kinda embarrassing you we have to get specifics for this.

I know, that was, that was pretty much it. Except obviously other things like oral stuff but nothing else other than sex.

[redacted] At any other time did he say where like that he put himself out at your mom's house or what he was doing at that time? Like his radio, did he take it off and set it on the counter?

[redacted] ya like he has an ear piece that goes through his shirt and he would have to take that out and he would have to unplug it and turn it on like loud that way he could hear if any calls came out. And so during that time the radio was constantly going so he could hear it.

[redacted] At any of the times, how many times did that happen would you say, at your mom's house?

I would say four to five times.

When did it start?

Very soon in our relationship I would say like May to June.

Ok at any point during that four to five times that that occurred did he ever get called on the radio?

[redacted] I believe there was one time that he actually did get called.

[redacted] What happened?

He had to jump up and put all his clothes back on and then leave.

[redacted] OK

[redacted] And during that time, who lived at that residence besides, you said it's your mom's house, do she actually live there?

[redacted] Ya

And your son?

Ya, myself, my son and my mom and her husband.

Any of these times where he was there visiting you was your mom or her husband there?

Oh ya.

OK did you guys go into your bedroom?

Ahuh.

OK so they could obviously say, "Ya he was here and went into [redacted] bedroom."

Ya

OK you also mentioned that he would spend hours there; eating, watching tv, just socializing. How many times did this happen?

[redacted] Oh gosh, I would say at least 15 times. Because for the entire, every time he worked he would come over to my house.

[redacted] So if he was working the Friday, Saturday, Sunday he would be there?

[redacted] At some point. Ya.

Each day?

Ya pretty much every single time, unless he had a rider. If he had a ride-a-long at that time then, then he wouldn't. He would tell me, which I don't know if it was actually true or not, he could've been talking to his other girls that he was talking to. I don't know. But that was the only time that he would never come by.

[redacted] And when you said he hung around, he just exactly did that.

Ahuh

And you guys just...

He would, there was quite a few times where I would either sit in the car with him out in front of my house or we'd stand around my, you know if the front by the car, or he would just come in and sit down on the couch and talk with me, talk with my family, sit there.

[redacted] What's your mom's name?

[redacted]

Ahuh

Same last name?

Ya her's is actually hyphenated [redacted]

And it's your step-father?

Ya

What's his name?

Ya, [redacted].

[redacted] and in case we want to call him is there a different number to reach them?

For them, ya, hers is [redacted].

And his?

Uhm, let's see I can never remember his ...

Do they have knowledge that you've come and filed this compliant?

My mom does. But I haven't, I didn't mention it any specifics details of what. I just told her that I did submit a letter. His is [redacted].

[redacted] Is it with a "C" or "K"?

A "C".

On any of these occasions did he come multiple times or was it normally just once?

Ya because he would get a call, he would leave and then after the call he would come back.

Did that occur a lot?

Ya, it would sometimes be fairly quick that he would come back and other times he would get caught up on other calls and it would take him a while but he would eventually come back.

[redacted] OK

You also mentioned that sometimes he picked you and your friend up initially. And then you also mentioned a time in Fresno when you were over somewhere near Palm and something.

[redacted] Palm? No it was Nees/Blackstone, kinda close to Palm though.

He picked you up?

Ahuh

Tell us about that.

[redacted] I, during the beginning of our relationship I would go and do normal things and still hang out with my friends. Toward the end, not so much because he got really controlling, but it, he kinda did like a flip because before he would have no problem with me hanging out with my friends but during those times looking back on it, I do realize he had a problem with it because he would always insist on picking me up from wherever I was, so on that one specific occasion I was hanging out with my friend [redacted], my friend [redacted] and her boyfriend [redacted] and so he was like, "So I'll come pick you up." And I was like, "Oh it's still early in the night." And he was like, "If I'm going to pick you up I need to pick you up now, I'm on my way." And then next thing I know he's calling me saying he's at Blackstone/Nees and asking me where to go. And I was thinking, "You're all the way over here? Like that's really far from Clovis." And so he parked around the corner, had me walk out and drove me back. He jumped on the 41 right there and he was driving so fast, we were over 130 miles per hour. It was like insanely fast.

[redacted] How did you know that's how fast you were going?

Because I looked at the speedometer.

You looked over and saw.

Ya because he was just going so fast, I was like, "oh my gosh how fast are you going?" and he was saying he had to get back quick. That way if a call came out he wasn't super far away.

[redacted] Where uhm, where exactly did he pick you up at over there?

Uhm, I was at, I was at my friend's boyfriends apartment complex. I am not quite sure of the name but it's like a few streets, it's in between Blackstone and Palm. And he basically stayed near Nees and pulled into the side street and kind of waited there. And so I actually had to walk quite a bit of a ways out there but my friend's boyfriend actually walked me to his car.

[redacted] So he saw him there?

Ya like he waited and watched me get into the car.

[redacted] What's his name?

[redacted]

[redacted]

[redacted] I think is his last name.

[redacted] Do you have a number for him?

Uhm, I could ask my friend. I don't specifically have his number.

[redacted] OK, but you'll be able to get it if we need it?

Ya

[redacted] Any other times he picked you up from Fresno?

Ya there was another time I was in downtown Clovis and he met me behind, kinda behind where Kimmi's is at. I'm sure you know where that is. But it was kinda around that area. He specifically met me there because he said that there was camera's that watch Old Town and that that was the best location to pick me up from that way the cameras and the dispatchers that watch the cameras didn't see him picking me up.

[redacted] Did he tell you that specifically?

[redacted] Ahuh

Besides those two times and the other time you mentioned that he gave you and your friend a ride home is there any other times?

[redacted] I think those are the only times I remember.

So that one time from Fresno and then the two from Clovis?

Ya

Do you know when specifically? Like dates or?

Not spedirically the dates.

OK the last one downtown Clovis at Kimmi's, do you know when that was?

Nuhuh. There was one other incident that did happen when I was at the 500 Club and I was there with a few co-workers and he was mad that I was there with co-workers because he didn't want me in Old Town Clovis and so he actually came over there to meet me to get my garage door opener and somehow I don't know what he told his sergeant but he got the night off and actually left work because he was like so upset and went and hung out. That's when I found out that he had cheated on me the first time with the same girl that he had cheated on his wife with. He went and hung out with her that night. And I don't know what he told his sergeant to get off of work, but he was...

[redacted] He basically got mad at you and went back to her that night?

Uhm, I don't know, he was just so mad that I was there hanging out with my friends that he told me he was going to get off work and he was in his uniform, he was in his patrol car and the next thing I know the patrol car was at the house and his truck was gone and he was out somewhere.

[redacted] This is when you guys were already living together?

Ahuh

Do you remember when that was about?

Uhm that was probably around I'd say August.

August

Some time in August.

OK

[redacted] He told me that he said there was some type of family emergency. But I never got the details of what he said as far as how he managed to say, "Hey I can't work anymore. See you guys later."

[redacted] It was on a Friday, Saturday or Sunday?

Ahuh

One of those days. Do you remember what day it was?

You know what I might be able to tell just because I have the picture, a picture from that night.

[redacted] OK while you look for that, let me ask you, you also mentioned uhm that he might be using steroids?

[redacted] Ya

[redacted] Why do you believe that?

When we first got together he used to actually stay at my mom's house. He used to always tell me that he lived by himself and that his wife didn't live at their house but them come to find out she actually very much lived there and was completely unaware that we had been hanging out. So he would always stay there after work and he just said it was because he was getting off work so late and so he would just come over there to see me. But uhm, he used to take a little overnight bag and would set it out and one night I was cleaning out my room and I saw his bag there and there was syringes in there so I was kinda like, maybe he definitely does do steroids. Because my friends and family said, "He has to do steroids, he's so big." And I'd say, "No I don't think he does." But then there they were. It was this little vile and I don't know what was in it and it had like Chinese writing on it and there was this tablet of stuff that had Chinese writing all over it too.

[redacted] Did you ever question him on it?

I did. I didn't question him specifically about those syringes but I did ask him if he used steroids and he told me that after watching some documentary about steroids that he got the idea to go to his doctor and say that he needed some type of injections for human growth, I forget what it's called, human growth something or other, I think hormone just is

what it's called. But that he does get those injections and he did have a testosterone gel type stuff.

[redacted] Do you know what, did he say what doctor he was going to for this or anything?

Huhuh

Do you know what doctor he uses?

I don't think so.

Besides seeing the syringes and the little glass vile, you never seen him specifically inject anything into himself?

[redacted] Huhuh. I did notice in the beginning before I found the syringes that he always had a band aid, not all the time, but on occasion I would notice that he had a band aid on his, like in between his pants and shirt. And I always thought, "Why does he have a band aid there?" and then I kind of, it dawned on me that that's where he's getting his injections and they are putting a band aid over it.

[redacted] pointing to right side buttocks area?

Ya

[redacted] Do you ever recall him ever saying he has a doctor's appointment, like was he going like every month or?

[redacted] Just recently when I stopped talking to him I was looking through his phone and he was messaging this guy and he was talking, they were, that's obviously what they were talking about was him getting some more supplements and stuff. The guy had listed off a list of a bunch of names of stuff and he had even said in one of the messages that he needed to do it secretly and that they were going to meet at a nutrition shop and the guy was like dealing them out of that place. Which I think was over on Sunnyside and Kings Canyon. There was a time we left the gym and this was after, just shortly after I saw those messages. He went inside there and he was taking so long that I had to. I literally moved the car over in front of the place just so he could see me, like, "Hello let's go." He had to have been in there for like half an hour. So I don't, I don't know what he was doing in there. He wanted me to wait in the car.

[redacted] OK going back to when he used to go to your house, you also mentioned that you participated in ride-a-longs with him.

[redacted] Ahuh

[redacted] And during the times you usually had sex in the car?

Uhm, we wouldn't specifically have sex in the car, he would try to like, initiate stuff and he would try to kiss me and stuff in the car and like try to touch me and then would like unzip himself and obviously you know had an erection and I would always kinda, no we can't really do this. It was way too awkward and like uncomfortable. There, it, I don't think it would be physically possible to do that in there because it was just, there's just not enough space in there. And so he would try to get me to touch him and he would try to touch me and stuff but we never had sex in his patrol car.

[redacted] So just, you said, oral?

It was more like hand stuff.

[redacted] OK alright, how many times did you do a ride-a-long?

I think I went two times.

[redacted] And he picked you up afterwards or did you come here?

He would pick me up from my house.

[redacted] OK and did you stay out the whole shift with him?

There was one time that I tried to make it the whole shift, I think I stayed until about maybe 5 in the morning. Uhm and there was another time I think I left about 3 in the morning.

[redacted] Did he have you sign the ride-a-long form?

Nuhuh, I never signed anything.

[redacted] OK

He told me that he had let his sergeant know and that that was fine. I had even asked him about that because my dad was a cop and I was like, "Don't I have to sit thru like briefing and like that and come in?" and he was like, "Oh no, it's fine." I was like, "OK whatever you say."

[redacted] OK

[redacted] At any of those times during the ride-a-longs did you ever meet his supervisors?

[redacted] No. I don't think so.

[redacted] How about any of his, the other coworkers?

I did at a few calls, kinda briefly meet people. The only people one that in can specifically remember is [redacted].

[redacted] OK

[redacted] Do you know [redacted] from other, somewhere else?

No, from his work and then [redacted], I've actually seen him in my work a few times and just kinda like at a glance type of situation. There was one time he had to come over to our house to drop off some papers or something for Kyle. That's pretty much the only times I've seen him.

[redacted] OK

[redacted] I know you've said that you moved into this current address on [redacted]. That was in August? You started living there?

I believe August 1st was our move in date, ya.

[redacted] And how often was he coming home then?

Not as often, he would probably stop by one time or maybe two times. During the beginning when we did first move in he did stop by and I think we had messed around then too and then there was another time when we were arguing and he came over, I originally had broken up with him when he first cheated on me and he stayed there all night. Like would not leave and I was like, "Don't you have a call to be on or something? Like you need to leave." And he wouldn't leave so, that was probably the only time that he's stay for a long period of time.

[redacted] OK and when did you move out of this place?

I believe, sometime in February, the beginning of February.

[redacted] And that's where he's currently living?

Ya

[redacted] And you have no more items in the home?

Oh no, I have a lot of stuff still there?

[redacted] Are you in the process of trying to get that out or?

[redacted] Ya I, uhm, when I had gone down to San Diego, I actually do remember the date now because I remember I went down there specifically around my sister's birthday, so it was around the 29th, but I had come back and just because I didn't want anything to do with him anymore I was staying at my dad's house and he was constantly just constantly calling me, sending me text messages, he would show up at my work, he left notes on my car, and was just doing the whole begging me to come back to him thing. Uhm, but I just kinda refused to talk to him and I was staying at my dad's house and I would kinda talk to him periodically but I just never, he was such a dishonest person to me that I just wanted nothing to do with him at that point. Uhm so he actually got mad and changed the lock on me, which I don't think he is supposed to do but I never really bothered to push to get into the house until. Except for a few times when I went over there to try to collect some of my things, which lead to one of the biggest fights we had to the point where he was literally dragging me around the living room by my hair.

[redacted] Did you call the police?

I did actually, I actually took a snapshot of my call log from when I did, I can tell you the exact date that that took place. Because he was just so crazy that I was literally scared so I tried calling but he ripped the phone outta my hand and would hang up.

[redacted] So we never responded?

Nuhuh, I don't think it was ever on long enough in order for it to go through.

[redacted] CHP transfer

Ya, see if you call 911 from your cell phone it usually goes to CHP and they...so you never actually made contact with an operator?

[redacted] No because right when I tried calling he saw that I was trying to call and he hit cancel on it.

[redacted] What day was that on the?

February 4th. And so he was just pushing me around and grabbing me and wouldn't let me leave the house because I tried to take my stuff and he was mad that I was taking it. And so...

[redacted] What was the time on that? Do you have it?

Uh ya it was 7:58 and 7:50

[redacted] 1458 and 1450?

1450.

So ya, he ripped the phone outta my hands and then again I tried to call and ripped the phone out and he was getting hysterical and saying I was going to get him in trouble and he was going to lose his job if I called and I better not call. It was a disaster. He literally drug me by my hair across the living room, through me on the ground, lifted me up and through me down. He was like, I was a rag doll to him.

[redacted] How did that end?

Well, I literally it took my breath away and I couldn't breathe at that point and I was hysterical and crying and I was all on the ground and he was like, "Oh I'm sorry" you know and picked me up and set me on our chair and was trying to talk to me like, kinda the flip of a switch he was super angry and then all of a sudden he was calm and was telling me you know about our relationship and trying to talk to me about stuff like that. And I think eventually my dad came and that's what really calmed things down because then I was able to move stuff out and kinda big items like a book shelf and stuff that I needed to move.

[redacted] He showed up there after this? After this happened when he was trying to calm down?

Ya, uhm, it was kinda a lapse in time. There was maybe like an hour or so in between from when we were talking calmly and then when my dad finally came.

[redacted] Was he, did you get a hold of your dad prior or was he already supposed to go there?

Ya

[redacted] OK, so besides you and him nobody else was there? Did anybody else witness this?

Uhm, eventually his roommate had come home. Because he had his friend move in and eventually he had come home but by then it was just kind of like everything seemed fine and he, uh, commented on how much of a mess it was because I was like moving trying to grab everything that was mine and move it out of there. And then I, he, he started, ooops sorry, he started acting completely different when his friend was there. He went from the "I want you back" type of attitude to like "It's ok, take your stuff, whatever" like just because his friend was there and so I kinda made a few comments on that. I got mad at him and I had gone into our bedroom and I shut the door and locked it and then he completely broke

the door and it was like snapped in half and everything. I don't know if it's still broken or not, but that's when he broke his door.

[redacted] Who is his roommate?

His name's [redacted] I believe.

[redacted] And did you know Anthony prior to Kyle?

Ya I had met him a few times. Uhm, it was actually in one of the situations where I caught him lying about where he was and he was actually at a strip club, it was with him that he was there with.

[redacted] And you said he wasn't living there prior, when you guys were living together? It's when you were going to move out.

[redacted] Ya

[redacted] That he moved in?

That's kind of what initially sparked our argument was the bedroom door was closed in the room he is living in now, uhm, our two kids shared that room and I was like, "Oh has [redacted] been staying here?" he was like, "Ya, you know he kinda stays here every once in a while." And I opened the door and it was like that guy obviously completely lived there. His bed was there, like everything that that guy owns was in that room and that room was completely his, like it was a complete bedroom and so I was like, "How, why are you telling me that he stays here on occasion when he is clearly moved in?" and that's when I got mad because it's just one more lie that he's told me.

[redacted] So after on that date when your dad gets there you move your stuff back, did you tell anybody what happened?

[redacted] I eventually told my dad that, about that situation. And that's when my dad was asking me about all the bruises he's seen all over my arms and he was like, "Is that from him too because it's completely obvious?" And I was like, "Ya."

[redacted] Those bruises that he was referring to happened on that night?

No it was previous bruises.

[redacted] So something else?

Ya

[redacted] From that, from that incident what did, what injuries did you get?

I had a bruise on my elbow when he threw me down on the ground. I had a bruise on my knee from that same.

[redacted] You pointed to your left elbow?

Ya

[redacted] OK

and I had one on my left knee. I had injuries on my right side of my body but that was from a dirt bike accident that I was in. and then I just had a knot on my head from him pulling my hair. And then I had a bruise on my wrist for a while from him grabbing my wrist.

[redacted] From that incident?

Ahuh.

OK

In fact, I had even commented about it and he said that, you know, that he could get in trouble for that because he left bruises all over me and he made a comment about how he was going to blame it on the fact that I was hurt on the other side of my body and that, something along the lines that, "Even if I did call the police, that he would just say that's from my dirt bike accident." Because I was injured on the right side of my body at the time.

[redacted] When did you get in that accident?

I think it was two days before.

[redacted] Uh were you with Kyle during that time? Or someone else?

No it wasn't necessarily an accident, it was just I had fell on my bike and I had a scrape on my right side and some scrapes on my leg.

[redacted] OK. Uhm, and you said you had a picture one of those injuries but?

Ya and you know, the job that I worked there was a huge, there was, it was literally my whole arm and I was going to ask the guy that I got the pictures from who paid us to do the job if he had any more of me close up that you can maybe kind of see those, but during that time I put make up on it because it was embarrassing having to stand around in a dress with my arm all bruised, but you can still see it.

[redacted] OK besides that photo from that, or from that, when you were at Tahachi Palace, is there any other photos there?

[redacted] I don't think so.

Would it show any of the injuries or anything?

My dad saw them and then people at my work saw them. But that's about it.

OK

What escalated that? What caused that?

Uhm, during that time I think it was, uhm, when I was trying to break up with him. I don't remember specifically what we were arguing about but you know, I think it was actually the San Diego trip that did spark that argument. When he had gone down and he finally admitted going with uh, you know, not doing what he said he was doing and I always suspected that he was with girls. I think that was the argument that lead to that.

[redacted] So that was back in January?

Uh, no that might have been. Ya that had to have been December because that was the bruise that was on New Year's.

[redacted] You said December 29th around your sister's birthday?

No that was when I went down to San Diego. When he had gone down to San Diego and

Prior to that?

Ya and so we were arguing about that because he finally admitted that he had been down there with a, with another girl. And so anytime we would argue I would always try to leave the house just because that's what type of person I am, I don't like to hang around in a confrontational situation. I am always going to leave, let it calm down and then come back to it, but he would never let me leave the house. So anytime he would always block me or push me away from the door, grab me and at that point things really escalated and that's when he had grabbed me and was pushing me around and stuff which lead to the bruise.

[redacted] OK

What's your dad's name?

[redacted] ([redacted])

You said he's retired from Kern County?

[redacted] Ya

How long has been retired?

Oh for a while now. He was medically retired.

Oh was he?

Ya

What happened?

Uh he was on, he was on, he wasn't in the pursuit, but they were in pursuit of a drunk driver and he heard the call over the radio and it was a busy intersection so he tried to block the traffic so no one would get hit you know with them coming by, and them just being drunk they hit him head on doing over 100 mph. so his car flew back about two football field lengths.

[redacted] Wow, he's lucky to be alive.

Ya

One of the last things you mentioned in your complaint was regarding Kyle being, you referred to as a "sex addict". Can you tell us about that?

[redacted] Well on his computer, all the times I've been on there, uhm, he would always lie about what he was doing on his computer and I would check his history and it, I was like shocked when I opened it because it was like that's all he does on his computer. For like hours, it was like nothing but porn. Every time I looked at it. So now he actually changed it. I don't know if he's changed it back or not, but he changed it so that the privacy settings, uhm like that it doesn't record your history basically.

[redacted] This is his personal home computer? Is it a desk top or what is it?

Ya he had, it's on both of them. He has a, his like Apple computer. It's a desk top and then he has his lap top and then he has several hard drives that are just filled with it. I went through during our relationship and tried to delete all of it and it was just so time consuming trying to delete all of it that it was like impossible to do.

[redacted] Did he know you were, what you were doing?

[redacted] He didn't know that I deleted a lot of it but he knew that I was definitely upset that he wsa doing it because it was so much that it was like ubsurd. And it was always like, "teen this" and "teen that" just like really young girls and it was disgusting.

[redacted] You said numerous hard drives, they were just external hard drives?

Ya

Just for storage?

Ya

OK and you said underage girls. So you don't know for a fact that it was child pornography they just looked?

[redacted] Ya it was nothing like, you know like little kids, but they were definitely like little like teenager type of looking girls.

[redacted] OK

He even had like a lot of home videos of himself too with the girl that he had cheated on his wife with.

[redacted] That you saw?

Ahuh

He knew you saw them?

Oh ya.

He didn't show them to you. You found them?

No, ya I found them and I brought it to his attention and uh was upset about it and he said, "Oh I didn't even know that those were on there." And then I, when I was messaging his wife after I stopped talking to him she told me, "Oh ya, you know, he said the same exact thing to me." That he didn't know that they were on there. And that was a while ago. So obviously he knows that they are on there.

[redacted] And this was [redacted]?

Ya the video that he's with. Uhm, his wife, the reason why I was mentioning it to his wife was because we were talking about it because I had told her you know, "Because he's in the military, you know supposedly it's illegal that to have an affair and he could actually be

prosecute for it." And she and I were talking about that and that's what brought up the videos.

[redacted] OK she, did she mention it or did you mention it to her?

I think I had mentioned it.

[redacted] OK so you reached out to her via Facebook?

Ahuh

[redacted] And that's when you guys, I mean.

We had exchanged uhm messages before, kinda of in regards to their son, but then after I had broken up with him and we weren't talking anymore I contacted her to say, just like, "Hey, you know, this is what took place. I'm sorry I never believed you. I am sorry I never believed the other girl and how much of a liar he is." And just kind of like that type of conversation.

[redacted] I'm sorry, when did you break up with him again? About?

It was right when I went down to San Diego. So it was around January 29th, maybe a little bit before that because I think that the 29th fell on a Monday or a Sunday so I think it was that weekend before that.

[redacted] OK

Because I went down to San Diego, uhm, I think my mom had flown down there and I took the train down there.

[redacted] When was the last time you had contact with him?

Uhm, it was when I went to go pick up some of my stuff from the house, I have the last text messages that he and I had.

[redacted] So you've gone there since you guy's altercation on the 4th of February?

Ya I went with my dad over there and my friend with his truck to try to get a majority of my stuff out of the garage. Uhm, and then I was telling him all of the other things I want that are inside the house and he said that he would move them out or whatever the case may be. He wouldn't let me go inside the house to get them and wouldn't bring them out to me and I haven't heard from him since and I haven't tried to contact him since about it. So the last time that was, was, that was on February 16th.

[redacted] That was just a text?

Uhm I had text him to say that I was on my way over there, that my dad was on his way over there and if he could open the garage and move any cars outta the drive way so we could back the trucks into the driveway to get some of my stuff.

[redacted] And did he respond?

Ya, he had said that he would and that, uhm, that my dad was already there. And that was pretty much it and then I showed up there. Uhm, we kind of exchanged some words while we were there and then I tried to get him to go inside and get my stuff that belongs to me and he wouldn't go get it. And then I purchased our bed that's, like I went and got it and paid for it and so I was telling him, "That's my bed." And he was refusing to give it to me and said that I needed to take him to small claims court and it was like a useless battle so I said, "OK if that's what I have to do." Because he has big items of mine like my refrigerator and things like that.

[redacted] And uh you said "exchanged words." Those are the words you exchanged?

Ya

What else was said?

Uhm, it was, he has like his new girlfriend there at the time and she was standing out there and I had said stuff to her like along the lines of like, uhm like, because I had talked to her right after, I think it was, I don't remember what the date was but, it was about a month or so afterwards he and I started talking again and it was more of like a friendlier conversation and then come to find out he was seeing this girl the whole time too and it was like yet again, just another one of your lies. And I actually caught them together having breakfast and so trying to warn her I sent her a message saying, "Hey you know, I'm not like the crazy ex-girlfriend he's painting me out to be. Like, you just need to be aware of what's going on here. And he's lying to you. And he's been lying to me too and that's the type of guy he is." I was in the same situation she was and had people telling me the same thing and I didn't believe them. And I just thought, you know, there's no use tyring to say that when no one's going to believe you, you know, I kind of let it be and I had mentioned stuff along those lines

when I was in the garage and said like, "You know, you're going to find out the hard way. Like, trust me. He's not who you think he is."

[redacted] Do you know who that is? Who the girlfriend is?

Her name is [redacted] I think, [redacted], that's what it is.

So he moved certain things into the garage so you could take, so he never allowed you in the house that day?

[redacted] Ahuh

OK, besides the names that you gave us that were there or saw some of the bruising, the witnesses essentially, is there any other evidence or anything else that you have that or that you can get us in regards to any of the allegations that you've made?

[redacted] Uhm, possibly. I am, this is a new phone, because my other one stopped working. If I can get that one on I can get old text messages because I pretty much saved our conversation from the entire time that we were together. But now that phone hasn't been working. So if I can get that one on, then I might have pictures. I also have a picture of him, of his history that I took because he was at work at the time that I sent him a message of it saying like, "Are you frickin' kidding me? Like you've obviously been lying to me this entire time if his is what you've been doing on your computer." So it's kind of things like that on that phone. If I can get it turned on.

[redacted] Ya if you could do that. And you also mentioned that you might be able to go back and get some dates, maybe off of photos and other things in your phone

[redacted] Ya

[redacted] regarding some of these allegations that you know, that you told us.

Some of those pictures might even be from times that he was supposed to be doing military stuff that we were out.

[redacted] Ya if you can do that and uh either contact us. We will give you a card, and you already have [redacted]s number and I will give you mine and just get us those dates, that would be great.

[redacted] OK

Obviously this is the beginning of this investigation so.

[redacted] What is occurring with your phone?

It got wet. I dropped it in a toilet and so I pulled it out and I soaked it, let it sit in rice, but I made the mistake of turning it on, which apparently like fries it if you do that. So I don't think I let it dry out long enough before I turned it back on. So it just completely shut off and would not turn on.

[redacted] If you, if you, would you have a problem giving it to us and having our forensic people maybe try to get information off of that?

[redacted] Ya that would work.

Like texts? OK I mean that's obviously up to you, but we might be able to extract that.

Ya

Those text and whatever information that you have on there.

No that would work.

OK

I just hope I don't have any personal pictures on there

Ya and like I said, once we extract that you can be present with us while we are viewing that, so we aren't looking for anything other than what's in regards to this investigation really.

[redacted] OK, everything should be fine on there.

[redacted] What lead to you finally coming in to report the?

To me, I have a huge problem with him being such a liar and so dishonest to people that, and like getting away with it. Like just because of his job and everything that he has, I just feel like he's, thinks that he's above everything and that's not how it should be. It's not right that he's like that. It's not right that he lies to people. Everything that's he's done is just not right and I am a personal believer that people should do the right thing and I don't think he's like that at all. I feel like someone should stand up for it.

[redacted] OK, and what does your dad know? Just of the incidents that occurred at the house or?

Pretty much, he always knew when we were arguing. He knew when I'd stay over at his house and he obviously saw the bruises. I was kinda trying to avoid him during that time because I obviously didn't want him to worry as a dad but he actually came into my work

and that's when he said, "Oh my gosh. What happened to your arm?" and I was like, "Oh, me and Kyle were kind of wrestling." And then he kinda gave me a worried look like obviously you were doing more than that, like you don't get a bruise like that from wrestling.

[redacted] Who are you staying with now? Who do you live with now?

I'm actually renting a room at m current address that I have listed.

[redacted] Does Kyle know where that location is at?

Ya

[redacted] Has he been there before?

He actually has and in fact that reminds me that we had another altercartion at that place but there was no one around for that.

[redacted] When did he go there?

Uhm, I think I had my old phone at the time so those text messages might be in there, but he was super upset and saying that you know, "He needed to see me. That he wasn't ok." And that he would always make like suicidal comments, "That he didn't want to live anymore." And that, "He couldn't live without me." And things like that, so he had asked if, "If he could come over, that he needed to see me and talk to me because he needed to talk to somebody." And so I gave him the address. It was kinda under the guise that he said, "Oh tell me where you live and I will help you move some of your stuff over there." So I gave him the address to it and then it was less than 10 minutes he was already there. My roommate he was actually going down the driveway at the time that he came up and he stopped and talked to him and said, "Oh I'm here to see [redacted]." And he was like, "Who are you?" and he found out who it was and knew that I was having problems with him and I was trying to avoid him and so he sent me a text and said, "Hey is he supposed to be here?" and I was like, "Ya it's fine. You can let him come in." and so he was trying to look through my phone and my computer and it was obviously going to lead to an argument and so I just told him, "Like you just need to leave. This was obviously a bad idea. I told you that I didn't want you coming here. If it was going to be an argument and now it's an argument and you need to leave." He pushed me up against the wall and put his hand around my throat and kinda grabbed my face and was telling me to like, "Look at him." And he was screaming at

me that I ruined our relationship and this was all my fault and that I was a worthless person and things like that. Just screaming in my face like a drill sergeant.

[redacted] When was this?

Uhm, it had to have been within the last two months or so. Because I've only

[redacted] So you've been moved out for quite a while then?

Ya

[redacted] That's never been reported either?

No, I briefly told my roommate about it. I just said, "Like oh my gosh, I wish you would've come back because it was." I was scared because I don't have a signal out there. It's out in the country so there's no one around. I was thinking, "Oh my gosh. I'm not going to be able to get away from him if this continues." So..

[redacted] Besides the texts that you mentioned last time you got a hold of him, is there any other communications you have had with him? Or him with you?

Nuhuh

[redacted] Nothing?

I've thought about trying to go get some of my stuff but I haven't even contacted him about it.

[redacted] OK

[redacted] Did he better make mention that, "You better not ever tell anybody at the police department?"

When I had called that one time.

[redacted] Just that one time?

Ya, he, actually there was another time. Uhm, he, when we had argued about him, when he first cheated on me and that night that he had gone and gotten off work in the middle of his shift we had gotten into an argument and that was the first time that it had ever really gotten physical. I may actually even have a scar from it. Uhm, because we were wrestling on the kitchen floor. And I tried to call then and I told him I was going to call and he started actually crying and was telling me that he would lose his job and how could I do that to him and his son, blah, blah, blah.

[redacted] That round scar?

Ya that's actually from us wrestling, like physically being on the ground and like, uhm, he kind of, I somehow ended up on the ground and he ended up on top of me and he head-butted my back. It was kinda like a rug burn for a while. It left a scar.

[redacted] That happened during an argument?

Ahuh

When was that? About when?

Uhm, I would say. I don't even know.

You said you have a picture of the night from the 500 Club?

ya but this was a separate time.

But it was after that?

Ya. So if I could find out that date it was some time after that. I could maybe even try to get into contact with her to see if she knows when we talked on the phone, because that's what sparked the fight was when he told us, he told me that he was over with her and she was, they weren't' going to talk anymore but then his phone rang it and was her.

[redacted] (inaudible)

Ahuh. And then she was on the phone saying, "Oh really Kyle, like you are over with her? I thought that you said..." he was basically telling us the same thing and she was saying that on speaker phone and she started calling again and I grabbed the phone and he was trying to wrestle the phone out of my hands and we ended up in the kitchen and I was on the ground holding his phone and we were, he was fighting me for the phone.

[redacted] Can I get a picture of it?

Ya

[redacted] Let me try it again.

[redacted] Anything else that we haven't...

Uhm, the only thing that I can really think of is that I forgot to put in my letter was during the time that I knew him he would always tell me stories, I don't know if they are true or not, but he would tell me stories about him working and getting into fights and things like that. All of the stories that he told me, it sounded like he was being extremely excessive with like what

he was doing to these people. And on a few occasions when we were arguing he would tell me that he was going to go find a parolee to beat up so he could take out his anger. And so I don't know if he ever actually did what he said he did while working, but the stories he told me was definitely like, "OK that's a little crazy." And that he was basically picking fights with suspects just for the heck of it.

[redacted] OK

I know that you said that since, just shy of a year, you guys having a relationship, you said that during that time he only attended one military training?

[redacted] Ahuh

Every other time you were with him?

Ahuh

when he was supposed to be at military training?

Ya, and the only time, the only reason why I knew that I was one time is because I went with him to it.

[redacted] At any time are they calling looking for him? Or do they...

No he would somehow, he would tell me that he would like call whoever was in charge of him and let them know that he's not going. Because I guess that the way that the reserves work is uhm you kind of have to go once a month, but if you don't you have to make it up at a later time. And that's what he used to always tell me is that, "Ok if I don't go I'm going to have to make it up at a later time." And so that's, I don't know if that's true or not, but.

[redacted] Did he ever talk to you or disclose anything about you know him not working here at the police department and going to the military time and us giving any problems as far as scheduling?

[redacted] No he just basically said that, "As long as he says that it's for military purposes that they don't question him." And "That they will just give it to him off." And so, uhm, ya that's just what he told me.

[redacted] The one training you know he went to, you said you went with him? Where was that at?

Uhm it was up north in like the Dublin area.

[redacted] What did you do while he was at training?

[redacted] I just stayed in the hotel because he was supposed to be there for two days but the second day he didn't go and so I only had to stay there for a little while by myself and then the other times, I think it was just so long to the point where I slept in maybe an hour or two, went and got my nails done. By the time I got through with that he was back, or by the time I got through with that he was back already.

[redacted] Did he say how he got out of the second day?

Uhm that they didn't even check and that no one was there to document anything and that they wouldn't even notice if he was gone is what he said.

[redacted] What exactly did he tell you in regards to uh, you had mentioned in the complaint letter, also a lawsuit that he had with the city? In regards to that, what did he mention?

[redacted] That he had filed a lawsuit against the City of Clovis or the department because he was deployed and that he wasn't moved up in rank or seniority basically because he was gone and so they didn't count that time for him even though it's supposedly a law that states that you are entitled to the same like, I don't know ...

[redacted] You had mentioned in regards to pay that, let's see here, uh you mentioned that he filed a lawsuit against the City of Clovis because he feels he's entitled to pay raise even though he was not here to earn it. So did he tell you that specifically? That's how you knew the details of it?

[redacted] Ya

[redacted] OK

And that just recently when we weren't talking, but I had kinda briefly talked to him he had said they were about to settle and that he was going to get a huge chunk of money from it or something from it.

[redacted] When was this about? Do you know?

I'd say maybe a month ago.

OK anything else you can think of here?

Uhm, it says you have witnessed him visit local strip clubs and massage parlors late at night, which locations are those?

[redacted] City Lights

[redacted] Where else?

And then there was, he lied to me and said that he was at work, but I saw his truck outside of the building and I waited for him to come out and he came out from this massage place that was open. It was 9:00 o'clock at night.

[redacted] Where at?

It's on Shaw/Minnewawa.

Which one?

I think it's called the Spa if I am not mistaken. It's where the Appleby's is.

Does he go there frequently or?

I don't know.

Don't know. And he lied to you and said that he was at work?

He said that he had some paperwork to do and that he was at the department. I was actually standing by his truck and I was texting him saying, "Oh really, you're at work right now?!" and he was like,

[redacted] And how'd you find his truck?

I had left school and I just so happened to be driving down Shaw and I just saw it there. I was thinking, "Oh my gosh. That's his truck." Just like all the other times and so I pulled over and he was, like during the time he was texting me saying he was at work. I was like, "Really, you're at work right now because I'm staring at your truck."

[redacted] What did he, what did he respond to you when you told him that?

I was calling him and I was telling him that I was saying why can't you talk to me if you are supposedly at your work right now. He was telling me that I was crazy and I needed to calm down and trying to make it, make me feel like I'm the crazy person. And then he eventually walked out and my phone started ringing and it was him and he still didn't see me and he was like, "Hey, I'm leaving right now. I'll see you at home. Stop, you know, freaking out." I told him, "Turn around." And so he turned around and saw me. I was like, "Why are you lying about being at a massage parlor? Like obviously something suspicious is going on if you are over here and feel the need to not be honest about where you are." If it's just a massage who would lie about that?

[redacted] What did he say?

He was immediately like, "They didn't do anything else." And I was like, "How am I supposed to know that. It's 9:00 o'clock at night, you are at a massage place and you're lying about it. Obviously there is something else going on."

[redacted] So how did that end? Did you guys go home or?

I got into my car and I was obviously mad about it and so I left and then he went home and I think I eventually went over there and I'm sure we argued about it at some point.

[redacted] OK has, do you know who he associates with here at the police department? I mean, has anybody, do you know if anybody knows anything about what's going on? About what has happened?

[redacted] I don't know. I mean, I know who he talks to but I don't know if they are on like a super personal level. I think even if it is, he's probably not honest about things that happen anyway, so. I don't know.

[redacted] Besides Officer [redacted] went there to turn in some paperwork to Kyle when he was staying at your mom's house.

[redacted] Ahuh

Besides that time, is there any other officers that showed up at any time while he was there at your mom's house?

[redacted] Oh at my mom's house?

When he was working or anything like that?

No, no one's ever really come by.

Not even when you lived on the [redacted] house or anything?

[redacted] never stopped by mom's house. That was at the [redacted] house.

Oh that was at the [redacted], ok.

So when we were living there together, he would come by, so that was his area and so I would occasionally see his car and he would sometimes park down the street and I think a few times I would see him report writing. But I never kind of acknowledged him or anything.

[redacted] So you never really associated with anyone, any officers here at the police department?

[redacted] The only one that I know is, gosh what's his name, I see him at the gym and we kind of say hi, uhm, I want to say his name's [redacted] something or other.

[redacted] [redacted]?

[redacted] Ya

[redacted] [redacted]

Ya there you go.

[redacted] And that's just from seeing him at the gym?

Ya and the, I've also, we went to his birthday party thing. He kind of had a few, there was a few people from the department there. Other than that I didn't, I haven't really met anybody.

[redacted] OK

There have been a few times that I, my friend, her boyfriend just got hired here and we went out for drinks a few times with them, but it kinda was just that. They came over to the house one time.

[redacted] Who's that?

[redacted] I think his name is. He just, just barely, barely got hired.

And that's your friend's boyfriend?

Ahuh.

OK

But I haven't like mentioned anything to them about anything.

OK, anything else [redacted]?

No I can't think of anything.

OK, that will conclude our interview with [redacted] The time is now 7:11.

End of transcription.

TRANSCRIBED BY: [redacted] DATE: March 27, 2013

[redacted], Police Sergeant
[redacted], Police Corporal
[redacted], Complainant/RP

[redacted] OK we will be going back on records; this will be involving an interview for IA 13-03. Today is March 15th, the time is 5:00 pm. Present are [redacted], Corporal [redacted], myself, [redacted] OK Alright [redacted], can you confirm what phone number you have, the last phone number you have for Kyle Pennington, his cell number?

[redacted] I think it's [redacted]

[redacted]?

Ya

OK

His number before that was [redacted].

[redacted] But the same prefix [redacted]?

No he changed his number during our relationship. So the number before that was [redacted]

[redacted]

[redacted] [redacted]

[redacted] And his current number, I don't know if he changed it or not, that was the [redacted]

That was the last one you had?

Ahuh

OK, the last, I think the last communication you had was text right?

Ya

And that's the last

Ya [redacted] ya

You mentioned last time we talked that his, when he was off on light duty, you mentioned he was doing activities that weren't consistent with his injuries. You know, based on your opinion, it was his ankle last time, right? When was the, it was a knee injury?

It was his knee first and then his ankle, ya.

[redacted] Do you know how hurt his ankle was based on any conversations or things that you saw?

Uhm, he only said that it was swollen.

[redacted] Swollen?

Ya, but he was like doing normal activities, so...

[redacted] Did he mention any pain associated with that? The swelling? Do you remember?

Not really.

[redacted] He just told you it was swollen?

It was mainly swollen when he would wake up in the morning and then after that, he would kind of be fine.

[redacted] Did you see his ankle?

Ya it was swollen in the morning time.

[redacted] OK, how about throughout the day, did the swelling go down or did it get worse?

I didn't really pay attention.

[redacted] OK Last time you also mentioned that there was some domestic violence that happened. Some arguments and some physical pushing, grabbing stuff like that, in relations to that we never asked you specifically if you wanted to pursue criminal charges with that?

[redacted] Is that even really possible? I mean I don't really have any evidence of it, so.

Ya, understand what I said, it's obviously your word against his. You did show us you know a scar on your right wrist that you mentioned was from one of those incidents. I mean it's still your word, but there's going to be a concurrent investigation, a criminal investigation as part of this because of the domestic violence allegations.

[redacted] Ahuh.

So you will be contacted at a later date by one of our detectives regarding that, but I just need to ask you that specifically.

[redacted] Ya, ya that's fine.

OK, OK going back to when the allegation you made about the, basically the sexual activity you guys did while he was on duty, the stuff specifically with the car that happened. You said there was not actually sexual intercourse in the vehicle?

No.

[redacted] But there was some, basically, you did oral?

It was more hand stuff.

Did he wear a condom during that time?

No, no.

Did he ejaculate during any of those times?

No

OK uhm, in the first email you sent me back, where you gave me dates, how did you, how did you determine that, those dates based on your Facebook account, did you have specific entries?

[redacted] Ya, when he had picked my friend and up from Jimbo's that night, I had posted a post saying that I had basically got picked up from a bar in a cop car ..

[redacted] OK

something like, I still have it on there, but so that's how I knew that date. And then there was a few times I posted that I was in San Diego with him.

[redacted] OK and you made reference to April 9th where you got picked up, that's the day you're referencing?

[redacted] I'm not sure if I like calculated the fact that it was posted, like you know I posted it the next day.

[redacted] Oh I gotcha

So it could've been the 8th.

Might have been the 8th, ok

I don't know if I did that in my head or not.

OK, uhm, on this weekend, obviously I'm making reference to your email I printed up, uhm, the weekend of April 27th thru May 1st you mentioned that you sent down to San Diego separately.

[redacted] Ahuh

[redacted] But he told you, but he was down the partying with some friends

Ahuh

[redacted] And you said you believe that he was, this was one of the weekends he was off for military leave.

[redacted] Ya

[redacted] Do you remember him saying something to that?

He had told me originally that he was going down there for military stuff and so, but I actually saw his, his credit card statement

[redacted] Ahuh

and that's how I, that's why I always questioned him about it in the first place because it was nothing but like dinners out in downtown San Diego and like a nail salon and like just kinda like girly places that guys wouldn't go to and so that's why I've always questioned him about it.

[redacted] But he told you he was down there partying with friends but obviously the credit card didn't match that up?

Ya none of it all matched up. In fact when I saw him down in San Diego he tried to show me a video of him jumping out of an airplane and saying that's what he had done that weekend and I was like watching him scroll through his stuff and he had to scroll really, really far. And like if that was a new video it would've been right on top so he actually emailed it to me and I looked at the date on it and it didn't match up with the weekend.

[redacted] It was from some other

like a long time ago, ya.

Uhm, with that specifically, did uh, I lost my train of thought, when he went to training, not really this specific weekend, any of his training, did he have to, do you know what he had to do exactly? Did he have to report to a base? Did he report to a certain place? Was he there?

[redacted] Ya he would have to report to, when I first met him, he said that his, wherever he had to report to was down south in San Diego and that he switched units and so now it's up in Dublin.

[redacted] OK was his training where he had to be there certain hours for that day or did he, was he committed there the whole day or the whole weekend?

[redacted] I think from my understanding it was the whole weekend. It wasn't an all-day thing, but they definitely had a reporting time and like whenever they got let off. So I know they would go out drinking and stuff afterwards and hang out. So I don't, it wasn't an all-day thing.

[redacted] It wasn't all day, ok.

But he was supposed to be there all weekend.

Uhm, with the exception of that weekend where you just talked about the April 27th-May 1st, you went down there, did you end up meeting him somewhere?

[redacted] I went down there with my dad and my son, my sister lives down there, and we all went to breakfast one day and that was when he came and met up with us. And that was when he was in a different car and it was really suspicious. His behavior was super suspicious.

[redacted] Did you surprise him going over there? Did he know you were going over there?

Oh no, he knew I was going down there too.

[redacted] Was he trying to not make you go, didn't you say that he didn't want you to go down there?

Uh no this was in the beginning of our relationship, ya. So he knew that I was going down there and he had his military stuff that he had to do, so, uhm he said he was so busy the whole weekend that he didn't have time to like meet up with me. Except for that one morning when we had breakfast together.

[redacted] And that was you said in relation to the dates you gave, what morning was that? Do you remember?

[redacted] I think it was the second day I was down there, so it would've been that Saturday.

[redacted] That Saturday, ok.

But like I said, I saw his credit card statement from it and I compared the dates and he obviously was busy doing other things other than his military thing because he was at dinners and at bars and at nail salons.

[redacted] Based on his credit card statement?

Ahuh

[redacted] Gotcha. Uhm, the second weekend you have listed, July 13th – 17th you, on this weekend you specifically went down there with him right?

Ya

[redacted] OK at any time did he leave to go to training or were you guys...?

Oh absolutely not, he didn't even bring any type of military stuff with him, what-so-ever.

So it was just a weekend that you guys had together?

Ya in fact that I believe was the weekend that I, he and I were supposed to go to Canada, but my passport didn't come in time so that's why we went down to San Diego. Because it was just the closest thing and we already had the days off and everything.

[redacted] OK

What were you going to go to Canada for?

A wedding, my cousins wedding.

And he had already had that me off?

I believe so.

Did he say how he was going to get that time off?

I don't remember? Nuhuh

Uhm, the, you mentioned this last time that you guys, you were downtown with some friends, he got upset he was working, he was on duty working and he got upset and then next thing you know he grabbed the remote control from your vehicle that was downtown?

[redacted] Ya

and then you find out that he got off work somehow and then went out with [redacted] that night?

[redacted] Ya

Are you pretty sure that was November 2nd?

Ya, I uhm, my friend she actually, that was there that night, uhm, we actually got into a pretty good argument. It was mainly him yelling at me, so much so that he was saying such rude things that they actually chimed in and said like, "Hey, you need to not talk to her like that. Like who do you think you are?" and so that's when he left and uh

[redacted] was he out of uniform at that time?

Oh no, he pulled up in his police car and everything. Ya

OK

[redacted] And was just yelling at me outside and then, he, so she, when we were at the 500 Club, one of them took a picture and posted it on Facebook so I asked her when that picture was taken. I didn't give her any details or anything, I just asked her, and she said it was November 2nd that she had posted it.

[redacted] OK

So that's how I got the date on that.

And she's the one that basically chimed in and said, "Hey, calm down."

Ya, Ahuh

Uhm, do you remember what the gist of that argument was about?

Uhm, he was mad that I was down there in the first place. And so he was just telling, he was kinda yelling things like I was stupid and that he's sick of me, and that I'm worthless basically and that he doesn't even know why he's with me and things of that nature.

[redacted] And this friend was there hearing this?

Two of them were, ya. I worked with both of them. One of them actually lives down in Huntington Beach now, she transferred to that store. The other one still works with me. She's my manager now.

[redacted] What are their names?

[redacted]

How do you spell that?

It's [redacted] I believe.

Do you happen to have [redacted] phone number?

I do actually.

Is she the one in Huntington Beach?

Ya, its [redacted].

Who was the other friend that was present?

Her name is [redacted].

Her last name?

It's really complicated, it's like [redacted]. It's Italian so it's like [redacted] some crazy spelling like that.

[redacted] Do you have a phone number for her?

[redacted]

[redacted]?

Ya. From what he told me that night, they went to they went to Denny's and hung out there all night, supposedly, I don't know for sure or not though.

[redacted] Him and [redacted]?

Ya

But he definitely, how do you know for a fact that he left work that night?

Because I went to the house after I left and his patrol car was there in the driveway and his truck was gone.

[redacted] What time was that when you saw it?

Maybe around 1:00, maybe 2:00?

And this was when he was still working weekend graves?

Ya

OK going back to some of the fights, domestic violence and stuff, the one you told me was about where you guys, I believe this was at the ..

[redacted] 687

687?

Ya

You mentioned that you had forgotten initially in our first interview that you had ran to a neighbor's house.

[redacted] Ahuh

[redacted] Which neighbor was that and do you have their information?

Ya, uhm, that night I don't remember what we were arguing about exactly but he stated throwing things and flipping over furniture in the house and so knowing it was obviously going to escalate from that point, I ran out of the house and he actually chased me half way down the street so I went to the park and hid in the park because he started driving around looking for me and then I realized that I knew someone in the neighborhood who's kinda like these young guys that I, I don't really know them that well but I saw the one guy that I

do know pretty well, his truck was out there so I text him and said, "Hey what are you guys doing?" and I told him I was at the park and he was like, "What the heck are you doing there?" And I was just like, "Oh I just got into an argument with my boyfriend." And he was like, "Oh come over here." So I went over there and was hanging out with them and had told them what happened and they were like, "Oh my gosh, I can't believe he's doing that." They never liked him in the first place but, uhm so then I, we heard his truck and saw him driving around the neighborhood obviously looking for me and he knew that I had obviously gone there because he knew that I knew them. And so he actually came over and was pounding on the door and the dad answered the door and lied and said that I wasn't inside. He was demanding that he have me come out and that he was going to have his cop buddies come over if he didn't let him in or tell me to come out and was just going crazy.

[redacted] Uhm, if you go back, what happened during, you said that he was real upset and throwing things around, besides that, can you give, how did that start and if you can give us a little more details, I know you mentioned it last time, but I want to make sure we are talking about, its connected to the same one you told us about in our last interview.

[redacted] This is a separate one.

[redacted] Separate one entirely?

[redacted] Ahuh

[redacted] So this was, confirm the address on this one?

[redacted]

[redacted] OK, ok so what stated this argument?

[redacted] I don't really recall what started it. But he, any time we would start to argue I would always try to leave the house and he would always block me from like leaving the door, lock the door and push ne out of the way and just not let me get to the door. So he started flipping over furniture, he flipped over the bed and um I think he threw things off the dresser. Uhm, I think a picture from he knocked one off the wall and put a hole in the wall and so then I made it out through the garage door and just ran and he chased me out.

[redacted] OK and that's when you said you went to the park? During that time besides him breaking stuff and throwing furniture around, uhm he didn't get physical with you in any way?

[redacted] Just like pushing and trying to grab onto me and not let me get out of the door.

OK and how long do you think you were at the park before you went to your neighbor's house?

[redacted] Maybe about 5-10 minutes.

Were you hiding at the park?

Ya

Where were you hiding?

There's like a little jungle gym area, it's like one of those small little residential parks.

Ahuh

So I was hiding by the slide. It was dark at the time, so you know, it was easy to just kind of stand in the shadows and not let him see me when he drove by.

[redacted] So when you were there you definitely saw him driving by in his truck?

Ya in his truck.

OK uhm do you know your neighbor's address?

No

Who was your neighbor? The one you went to?

The one that I know for sure lives there, his name is [redacted].

And he was there the night that you went?

He was actually asleep but my friend that I knew, that I saw his truck outside was [redacted].

[redacted] Does [redacted] live there?

No

He was just visiting [redacted]?

Ya

Who's dad actually answered the door?

[redacted]s dad.

[redacted]s dad, ok do you know his name?

Ah no.

ok but he's the one that answered the door when Kyle was banging on it?

[redacted] Ya
When you say banging on the door was it just loud knocking or …
It was like banging.
Banging, ok.
What time did you say this occurred?
Uhm, I don't know, it had to have been around, I think when he actually came and banged on the door was around 3-4 in the morning.

[redacted] Do you have a phone number for [redacted] or [redacted]?
Ya
Had you and Kyle hung out with these guys before? Or he just knew you were friends of [redacted]?

[redacted] These two guys, [redacted] and [redacted], or [redacted] and [redacted], they work at the Shell station at Temperance/Shaw, or Armstrong/Shaw, right across the street from the DMV and I used to be really good friends with [redacted] and we'd go dirt bike riding and stuff. But I would always stop in there and so would Kyle. And so we would always see them and he knew that I would like say hi to them and kind of chit chat. He was always super jealous to the point that he didn't even like when I stopped by the Shell station and so he was always jealous that they lived, that he knew that I knew them. So that's the only way that he really knew them. But apparently he used to go into the Shell station himself and stop there while he was working and stuff.

[redacted] You said you have a number for [redacted]?
Ya [redacted]
And how about for [redacted]?
[redacted]
When we get around to calling some of these people, we may not call all of them, like I said, we will give them very limited information, basically just get enough to get a statement to confirm some of the stuff you are telling us. Obviously we are not going to get into everything that doesn't involve them. So don't worry about that.

[redacted] There was another guy that was there too, his name is [redacted]. I think it's [redacted] or something like that. He was also there that night.

[redacted] Is this someone that you know obviously?

I met him that night. I didn't know him before that. I have his number now because he Facebooked me.

[redacted] [redacted]?

[redacted] it's [redacted] I think.

[redacted] And he was awake during all this too?

Ya because it was just [redacted] and [redacted] and Me. We were sitting in there watching a movie and stuff and then that's when he started driving by and that's when he came over. And then later on [redacted] dad woke up, but [redacted] never woke up through any of it, he was asleep the whole time.

[redacted] OK what's his, what's [redacted] number?

But [redacted] dad is the one that woke up during the banging on the door?

That's maybe all who we talk to, [redacted] to get in touch with his father.

OK, it's [redacted]

I think that is it, do you want to in regards to [redacted]?

I need to clarify kind of the event that took place in regards to [redacted]. I know you had made mention of an ex-boyfriend that you guys both dated, works for Fresno PD?

[redacted] Ahuh

How did that all happen? I know you had mentioned something about you coming to the Halloween Trick-Or-Treat with the kids?

[redacted] Initially my friend, Kyle and I were out at Neighbor's one night and I saw my friend [redacted] there.

[redacted] This is the ex-boyfriend?

No, this is my ex-boyfriend's old roommate, is [redacted]. So Kyle and I were sitting there at Neighbor's and I saw [redacted] and then [redacted] came over and said Hi to us and kind of like introduced himself and stuff to my boyfriend, Kyle, my boyfriend at the time, Kyle. And he had said, "Oh you work for Clovis PD? Do you know [redacted]?" and then I had never heard of

her before and then Kyle didn't really know that much about her so then he was like, "I don't think so." So then [redacted] told me later that, "[redacted] is [redacted] ex-girlfriend."

[redacted] is your ex?

Ya [redacted].

OK

And that was pretty much that and uhm Kyle had told me later on after that had taken place that he had heard from, I think it was [redacted] that [redacted] was asking about him and was asking, "Who's Kyle Pennington?" because [redacted] had gone and told [redacted] that he saw us out and so that's kind of how that all came about.

Was she asking about Kyle because you think they, she was interested in him? Or?

Maybe

Possibly?

Ya so after that it was nothing really except [redacted] would say, "[redacted] this and" that's all I ever really heard of her. Until he started working light duty and said that he would see her when he was working in here and after we had broken up he mentioned that she tried to ask him out to go to coffee or something.

OK do you know if they ever went out or on a date?

I have no idea.

You don't know.

It wouldn't surprise me.

What were you saying about the Trick-Or-Treat here? Did you see her here?

Oh ya, when I we came for the Tick-Or-Treating thing and uhm she was standing by the doorway entrance apparently, I didn't really pay much attention to her, but after we passed by her he leaned over to me and said, "Oh that's that [redacted] girl." And I was like, "Huh?" "Your ex-boyfriend, that's his ex-girlfriend right there." And I was like, "Oh ok."

And you dated him prior to her right?

Ahuh

How long did you guys date?

I would say almost a year.

[redacted] You guys didn't break up because of her or anything?

No

So she's never had contact with you?

Nuhuh

And Kyle's never said anything else other than, "That's her."?

Well then after that, when we had broken up that's when he said that she ..

The coffee?

Ya

But he never said that he went?

Nuhuh

I asked if you could confirm his number, you said [redacted]?

I believe so, ya

Is it possible that the first three numbers are mixed up a little bit? Do you still have it in your phone anywhere?

[redacted] Let me check.

Did you ever call his work cell?

I have, I think I have the number in my phone.

Did he ever used to call you from his work phone or text?

No I used to, I saw his, I went through it one time and that's how he used to cheat on his wife with, there was nothing but text messages and calls to [redacted] and his wife.

[redacted] From his work phone?

Ahuh

OK

Oh it's [redacted]

OK

[redacted], what's his work number?

I may have actually deleted it. I had saved it something that wasn't his name.

How do you know that he was using that for means of communications? You happen to go through it or?

Ya I went through it because …

So there was actually still text messages with him and [redacted]?

Ya it was like they were pretty old but uhm I did, the reason why I went through there was because, just to make sure that he wasn't doing that to me.

And you saw basically conversation with [redacted] on that phone.

Ahuh, because there was like, I looked at the call log from what was on there and it was like he had called his girlfriend, the [redacted] girl, and then shortly after that he had a conversation with his wife and so it was like back to back, he would get off the phone and then call her.

You said this was, you saw phone logs or you saw her phone number?

Ahuh ya.

[redacted] phone number? What was it listed under? You knew the phone number or was it actually her name on there?

No it was just the phone number.

And you knew it was her?

Ahuh

[redacted]?

Ya

And then did you see also texts in there you said?

Ya there was a few text messages in there. Just like, "Hey call me" and things like that. It wasn't like any lengthy conversation. Just, "Call me" or "Hey call me back."

To [redacted] number?

I think you provided us [redacted] number.

I don't think I did.

Do you know [redacted] number?

I don't know if she's changed it or not, uhm, its [redacted]

That's the last number you have for her. She might have changed it you said?

Ya

[redacted]?

Ya

[redacted] Is that what you got?

Ya that's right

The problem with her though, she's always been super defensive of him. There was one point during our relationship where she was contacting me saying that Kyle was also involved with her. Obviously I didn't believe her at the time, and so she started actually posting pictures of their phone conversations on her Facebook. It was things like him telling her that he wished that I would die and I was a liar and he was so depressed that he wanted to die and he actually contacted her and asked her to, "Take them down because he didn't want to lose his job over it. And it was his name on there for the whole world to see." So then she was like, "I don't want you to get in trouble." So she took it down. I don't know how her attitude towards him is now so.

[redacted] Wow so this was texts he was sending her and she was posting on her Facebook?

Ya, and he always lied and said, he even used to tell his wife that she has this crazy app that she can create fake phone conversations basically, but to my knowledge I have never see anything like that, so.

[redacted] OK, so he was denying that he sent those?

Ya, ahuh.

[redacted] do you have anything else? OK that is all that I had, do you have anything else that you need to mention?

[redacted] I did forget to mention that one time during one of our arguments when I again left the house and I actually had my son with me, he was trying to open my car door and he broke my door handle off my car. My son was witness to that and he still always mentions it. Oh Kyle broke Mommy's door handle. So that was another thing. I think I mentioned in the email too that he also picked up my sister one night in his patrol car.

[redacted] From where?

It was from 500 Club I believe.

You don't have a date on that one?

No

And that's [redacted]?

[redacted] Ahuh

you gave us her phone number [redacted]?

Ya

Where did she live at the time?

I think she was at my mom's house [redacted]

On that occasion did [redacted] just call Kyle or how did ...?

I don't remember how it exactly took place. I think he was over at the house and he knew my sister was going out and was like, uhm, she was going out on a date and it was kinda like a blind date type of thing and so they went out to the bar and at the end of the night, once, somehow they got into contact with each other and he came and picked her up and he, the guy that she was on the date with, was standing there like, "OK that's odd you're getting into a police car. Bye" so that was pretty much that.

[redacted] I do have two other things are you good with that?

I was going to ask about the argument the last one? Any idea when that happened? What house were you in?

[redacted]

[redacted]?

Ya

And he was off work at that time?

Actually that took place the time that, around the time that we were arguing about the whole Becky thing. Because that's when I spoke to her on the phone that night because she called his phone. So somewhere around that time.

[redacted] You were driving out, leaving with your son and he grabbed the

Ya

door handle?

Ya and just completely ripped it off.

And that's been fixed since?

Nuhuh

Still broken?

[redacted] Ahuh

OK

Has he ever treated your son in any negative way?

Ya in fact that's one of the main, main reasons why I left in thirst place was because his dad actually contacted me and said, "Hey [redacted] been telling me some really weird stories and he wants to know if ever you have to work or you're going to be gone that he doesn't have to stay home alone with Kyle anymore and that he can go to my house instead?" and I was like, "Well what do you mean?" and he was like, "He's been telling me that he..." anytime I would work and come home Kyle would be completely asleep on the couch while my son was just like running around the house.

[redacted] How old is he?

He's 5 and so I later found out from my son's dad that he was actually tip toeing around the house because he didn't want Kyle to wake up because he was like, he said he was mean to him and he has nightmares now of Kyle yelling at him.

[redacted] Did you ever witness Kyle yelling at your son?

No the one thing that I did witness is I and come home early and he didn't know that I was in the house and I heard the way he was talking to my son and it really made me mad because he was like bossing him around and any time his son was around he would use a sweet voice with his son and when it came to talking to my son his voice would completely change.

[redacted] He never laid any hands on your son or anything like that?

Nuhuh, he did spank his son in front of my son. I wasn't present for it, my son told me about it.

[redacted] But he's never hit or spanked him?

No

[redacted] No disciplinary anything?

No

[redacted] The other question I had is, uhm, when you were back at your mom's house and he was constantly coming over and was outside, out front, were there neighbors that would've witnessed him being at the home several times?

[redacted] Ahuh

Which ones?

Well it's a cul-de-sac pretty much all of the houses around there would've seen him.

One particularly?

There's one in particular. The neighbor across the street.

Directly across the street?

Ya, he, I don't know his name, but he's like an Asian guy. I don't know how cooperative he would be because I'm pretty sure he's a drug dealer.

[redacted] Oh really?

Ya and then there's the guy that lives next to him to the left if you are facing his house. He, he has, I don't know his name but he drives like a blue Toyota truck. It's a family that lives there, but he would come out all the time and say, "Hi" and then there's a fireman and his wife that live directly next door.

[redacted] So you think all three of those would have definitely seen him there?

Ya

[redacted] I think that's it. Anything else [redacted]?

I don't think so.

[redacted] The time is now 5:37 and that concludes our interview.

End of transcription.

TRANSCRIBED BY: [redacted] DATE: March 28, 2013

INTERVIEW WITH SGT. [redacted]
Q=Sgt. [redacted]
Q1=Cpt. [redacted]
A=Sgt. First Class [redacted]

Q: Okay. We're on record. Uh, this case is involving Clovis PD Internal Investigations 13-03. Present for this interview is Captain [redacted], myself, Sergeant [redacted] and we're here with uh, um, is it Master Sergeant?

A: I'm - no, Sergeant First Class.

Q: Sergeant First Class [redacted].

A: [redacted]

Q: And if you can spell your name for me.

A: Sure. It's uh, [redacted], and uh, my last name is spelled [redacted].

Q: Okay. And the time is 8:31. Okay, thank you for meeting us...

A: Sure.

Q: ...Sergeant [redacted]. Uh, we're here to talk to you about um - um, officer or Captain uh, Kyle Pennington.

A: Mm-hm.

Q: That is a Reservist with you guys.

A: Yes, was Reservist.

Q: Okay, was a Reservist? Okay. Uh, the main thing we wanna talk about is the training records...

A: Mm-hm.

Q: ...that you provided to um...

A: Master Sergeant ([redacted])?

Q: Yes.

A: Mm-hm.

Q: And got to us. We saw some discrepancies in those records that were addressed with you.

A: Mm-hm.

Q: Um, can you tell us how those training records came about through you?

A: Sure. It's - it's uh, not as crazy as it came out to be. Uh, Captain Pennington was a Company Commander for Delta Company, which is the Company that I was uh, in with him, and when he was the Company Commander during that time I was what's called a First Sergeant 'cause I was on a TPU status, a Reservist status. Um, now I'm a fulltime guy as of May of last year. So when Captain Pennington um, was with us and I was his First Sergeant, the First Sergeant generally is responsible for writing up what's called the RST Work Plan, which is a document that we write up um, when a soldier has to miss regularly scheduled battle assembly, which is uh, drill weekends, also known as. So um, the last - I'm estimating here like six months or so uh, prior to Captain Pennington's officially being released from this unit 'cause they're - even though the commander, which is not the current commander. It's what's called a - the commander was Lieutenant Colonel ([redacted]). When he was here, he gave the okay verbally to Captain Pennington, and I knew that 'cause I was always in the meetings -- what's - what's called cub meetings, where we have the doc- uh, meetings on a monthly basis. Uh, he gave the okay to Captain Pennington to um, start drilling, (RST)-ing either at his new unit, which I think it's in Hunter Leggett, some uh, where he is right now -- some training unit, I think it is. He gave the captain - he gave Captain Pennington the okay to um, not attend drill here and just attend drill at that training unit. So generally for soldiers we do the RST work plans. For commanders, because he's a commander, we don't - I - I never did a RST work plan -- maybe like three times. I actually have one here. The - I'll show you the ones that I had prior and then the ones I signed off on after he sent them to me. I'll show you the difference. So - 'cause I keep everything (unintelligible). See, all my past soldiers are in here. Here's Captain Pennington. Actually, it's in the S-1 folder, in the uh, that's one thing about (unintelligible), you gotta keep everything. Last one, RST work plans - (1380)s. So, can't preview that so I have to open that. Here it is work plans, okay. So I put Pennington in one folder just to make it easier when you guys

got here. So there's one that I signed off on with - what's - it's not last week, but the week before. The reason I signed off...

Q: Is that...

A: ...on like a - I could tell you exact number, but a group of them. This is the one I did a long time ago.

Q: Okay, these same ones that we got.

Q1: We have right here.

Q: These - these are the same ones?

A: In my - yeah.

Q: Oh.

A: Like this is - this one is one I did a long time ago, and now it's really hard to tell 'cause I just dated it whatever date he had on there. Yeah, this one is one of the new ones. This is one of the new ones. This is one of the new ones.

Q: So when you - when you say...

A: This is one of the new ones.

Q: ...that you had 'em already that you - you already had them filled out?

A: No, no, no. Uh, the way it works is, like for soldiers I (unintelligible) 'cause I was a First Sergeant, I generally filled 'em out for the soldiers, or I - supposed to have like the team leaders do it, and then okay, I sign off on it as well, 'cause I can sign for the commander. That's no problem. But for cap- Captain Pennington, because he was the commander um, usually we don't have to do these especially because he's the commander. He's the top guy. But u- and another reason we really didn't have to do it for him is because he's a um, drilling for points, not - because he's a - he already had enough active duty uh, time 'cause he went to like two or three different schools that year. Um, so as a Reservist you only need to do a certain amount of time uh, in order to stay current wi- in - so that you don't fall out of current status. Um, but since he went to like two or three different schools - you guys probably know when, you know, when he went to those schools.

Q: Yeah, right.

Q1: Mm-hm.

A: Because he went to those he was already current and he knew that, so that's good uh, that he would stay current. He's - he's one of our active commanders like we can rely on him and stuff like that. Um, let's see. So for example this is like the one I already had done for him...

Q1: Those are the ones...

A: ...and see, oh, here we go.

Q1: ....those are the ones dated back in 2011.

A: Yeah, the ones I had long time ago.

Q1: Yeah.

A: See the - he had a broken hand from work.

Q1: Mm-hm.

Q: Mm-hm.

A: So his - our commander approved uh, 'cause even him - our previous commander was really strict about - like compared to our new commander, previous commander was strict about miss- missing drill. He was so strict about it, like he would tell people, "If you don't wanna be here leave, go to another unit." And I'm glad he did that 'cause that improved our numbers. It didn't really matter to you guys, but it - it's important to me that our, you know, our statistics look really good, and so even - even our commanders 'cause there's - there's uh, Headquarters, Alpha, Bravo, Charlie, Delta; even those commanders, in order for them to miss drill, he had - he - they had to themselves ask our highest ranking Commander Lieutenant Colonel ([redacted]), and uh, our Alpha Company Commander, Captain ([redacted]), actually lost his position as a company commander because of that reason, because he ended up um, missing drill without having this guy's permission. So that's how strict it was here before. Now we have a brand new commander like two months ago, and he's more relaxed and now the company commanders can make the decision if their soldiers can miss drill or not. Back then this guy, Lieutenant Colonel ([redacted]) was the one that said, "Hey, I'm the only one who decides if somebody can miss drill or not." So that's how - so even - so Captain Pennington had to ask permission to Colonel ([redacted]) in order to miss any kind of (unintelligible).

Q1: Right.

A: Um, so this is - that's why I'd done these right here for um, Captain Pennington.

Q1: Right.

A: So which one - this one's...

Q: At what point did he give you...

Q1: Well...

A: These right here. This one, two, three.

Q: Those.

Q1: You can tell the change.

A: Yeah, yeah, you could tell.

Q: Yeah.

A: That's - that's what I was telling these guys here, look, you can totally tell um, that these are the ones we use now. So I don't think he was trying to fool anybody 'cause...

Q1: Okay, well we'll let's...

A: Yeah.

Q1: ...let's just (unintelligible). You - you know because this is an official investigation you know that you have...

A: Right.

Q1: ...you have to be truthful with us because if you're not...

A: Right.

Q1: ...um, you know you're committing a crime.

A: Right. I understand that. And the - the best part is, you know, I care about my job. I'm not gonna risk my family.

Q1: Okay.

A: My two kids just, you know, because I like this guy? I'm gonna be completely honest with you guys. Why am I - why'd I risk all that?

Q: And - and understand the focus is not you. The focus is...

A: Oh, I understand.

Q: ...is Pennington.

A: Right.

Q: And that's why we're here.

A: Right.

Q: Um...

A: So...

Q: ...unfortunate when I said these - this thing happen, you know, that's why we're here.

A: Yeah.

Q: So you could explain it um, and give us exact truth of how this happened.

A: Sure. No problem.

Q: Okay?

A: So um, two weeks ago, about, is when he called me and said, "Hey, look. I'm having this investigation - IA investigation at - at work." Um, he said some- it's either his girlfriend or ex-wife, I think, he said it was um, causing him some problems.

Q1: Okay.

A: And that she was making claims that um, there was domestic violence I think he said. Excuse me. And I was like, whoa, what the - that's not this - I know this guy. He's not - that's not his character to be hitting people um, his girlfriend, or wife. So I'm like this is crazy. So like, "Hey, Sergeant [redacted]. Um, you know I was," it's like, "You know I was here doing this stuff with you," or "on my own at Camp Pendleton going to the training site, talking to the uh, EST range." Um, he also mentioned coming in with his - either - I'm not sure if his girlfricnd or his wife, but I met her. She came one time and he came in

during - I think it was around the time of the Olympic Games that he was competing in down here in San Diego for you guys.

Q1: Mm-hm.

A: Um, she came that one time. I don't know if that's the same girl we're talking about 'cause I know there was a girlfriend and then there was - I think a wife or an ex-wife...

Q1: Mm-hm.

A: ...that they had a child with, I think.

Q: Yeah.

A: Um, but I remember him coming here doing what's called hiding wait, and the good thing is that everything we do in the military we document. So if I go into the system called Digital Training Management System, I can show you guys that he actually was here. He did his height and weight because I asked him to come in because what happens in the military, they track everything so in detail that if - if somebody doesn't have their height and weight taken within a six months period it gets uh, it turns red on their st- statistics. So I actually asked him, "Hey, sir. Can you come in so that we can at least get your height and weight so that we can um, get you off our bad list - bad boy list." We call it bad boy list. So he came in with his girlfriend. I don't know if they had their child. No, I don't think they had their child at that time. Um, but he took care of that, and that was one of the things that he wrote on the RST work plan; these are called RST work plans. So he asked me, "Hey, you know that I came in." He talked it over m- "Hey, you know I came for this at Camp Pen-" "Yeah, I remember that." "You know I came in to do the height and weight when you asked me to." "Yeah, I remember that." So he gave me a list of things that, you know, that he did come in for, and I clearly remember him saying these things. I remember saying, "Yeah, yeah. I did - you did come in for those." He's like, "Well, you know, I don't have any of those RST work plans. I have 'em at home here, but I just never submitted to you. Can you just uh, take a look at these and sign off on 'em since you know that I was present during these times?" Like, "Sure, no problem. Just send 'em my way." It - it - it wasn't like a - something that, you know, I thought would turn into this. So he e-mailed it to me. I looked it over. I didn't - that's the one mistake I got in trouble for, is I didn't look at the dates carefully. I just looked at the comments, and I knew the comments were real 'cause - because like for example this one. This one's - is the one I wrote. You can tell my handwriting. So I know this is real because he didn't send me this 'cause I already had this. So I sent him these. He's like, "Can you send me all your - all the previous RST work plans that I've turned into you or you wrote up for

me," 'cause I - I've written - written them up. You can tell it's my handwriting. And then um, and I wrote this one up because I - I remember him having hand surgery. See, he - BC ([redacted]) had to approve all of these so I knew they were legit. When he was telling them I knew they were legit because he has to get approval before he can do any of this stuff. Now these are the ones that um, that he wrote up, but he said to me over the phone, "Hey, I already had these. I just never turned 'em into you, but I just need you to sign off on 'em because uh, they want - they wanna see that I was actually here." Like, "Okay, that's no problem because I know you were here. That's no big deal to me.

Q1: (Unintelligible).

Q: Let me see these.

Q1: Mm-hm.

Q: On these that you say he sent to you...

A: Mm-hm.

Q: ...I mean, he discussed with you.

A: Mm-hm.

Q: And you signed off on.

A: Mm-hm.

Q: You could - you could say he was here for everything you signed off here?

A: See, that's the thing. That - that - that's - that's what I kind of got in trouble for is like, "[redacted], did you look at the dates to make sure that he was around?" (Unintelligible) like no, I'm gonna believe, you know, the officer, the military in general -- officers, you gotta believe their word like, they're not gonna just lie to you. So all I did is look at the comments and I knew this happened; recon of training areas and training coordination because he did that all the time down here. He would drive all the way from Clovis just for points, not even for pay, 'cause I don't know if you guys know how this works, but he gets um, I think he gets what's VA money, or Veterans an- Administration money for disability from the VA, so he - he told me that he doesn't actually get paid. Well, he gets paid but he can decline it, and so he's been declining pay through the military and he only drills for points, so uh, retirement points. So there's normal TPU guys usually get both. They get pay and they get points. Him, because of his injuries he sustained from combat uh, he went

through WTU, the uh, he was, I think there for a long time from injuries and stuff. Um, he - he has the option because he can get disability money to say no. I don't know if we're going into HIPPA stuff, but um, he'd mentioned this to me, that he can drill just for points because of the fact that he's declined his pay from the military because you - the military does not allow you to double dip. You can't get paid from VA disability and from the military at the same time 'cause you can get in trouble for that. So um, that's why he would always um, say, hey, I'm - here we go. Here's an example right here. None, drill for points. So he doesn't actually get paid for this stuff.

Q1: Mm.

A: He actually just comes - he works for free in other words, for retirement points. So which it still helps him in the long run, but he has to actually retire from the military to actually reap the benefits, which is a long time from now, but so I know he was there for the recon. The problem is, what I got in trouble for, is I didn't look at the dates carefully, and I just said yes, yeah, I know - I know he was here for that, and I signed off on it um...

Q: So he was here for this, but if...

((Crosstalk))

Q: ...if he was here for that, then how - how can you say that wasn't the date it happened then?

A: No, that's what I'm saying. I'm not sure the exact date when it happened. Um, that's the problem. So we actually try to look into that, was it last week? Uh, yeah, last week we talk to the pay people to pull a report to see if we can determine exactly...

Q1: When he was here.

A: ...when he was here, right. The good thing is, the upstairs people can tell exactly even if they were here for points or for um...

Q1: Pay.

A: ...or for pay. The - the bad thing is, he didn't submit his 13 80's for points. Um, he - through the right channels, 'cause apparently - I learned this last - a lot of us learned this last week. Only a Lieutenant Colonel - 'cause there's not a lotta people who submit for points, most people do it for pay.

Q1: Mm-hm.

A: There's not a lot of, you know, veterans who say I'm just gonna work for free and get points. The tru- so I mean, I don't think I would see myself doing that, but...

Q: Well he's - he's getting paid on the other end though through law enforcement (unintelligible).

A: Right. He does get drill - miss drill pay, right? Like when he misses.

Q: Training pay.

A: Or training pay, okay. So he was getting paid that way. Um, so um, none, drill for points, mandatory (unintelligible) - yes, 'cause I know I've had him do - there's total of 13 different mandatory online training I have to have the soldiers do in order to stay current and that we have - because if you don't do them they turn red on the statistics, CR on one of 'em. Uh, there's GAT, there's a whole buncha stuff.

Q: But this one here says mandatory online training.

A: Mm-hm. That's referring to the um, mandatory online training that I have the soldiers do. I have a checklist that uh, they have to go (unintelligible).

Q: And he's - and...

A: And it's annual so that...

Q: ...and he supposedly did it on this weekend?

A: Yes, and this looks like around the AT time during annual training. He's um, 'cause July is generally when our annual training is on a yearly basis, so this - I - this is what - what month is this? I mean what year is this, 2012? (Unintelligible) see I - I just - I should've looked at it more carefully, but yeah, this is July, so that's annual training. So that's during the time when um, all our soldiers were here for the two weeks annual training, or sometimes it's one week, but for 2012 I think it was one week, so.

Q1: So what - what did he have to do for this training here?

A: Uh, mandatory online classes; the - the ones I was talking about.

Q1: And can he do this from home?

A: Um, he can if he has, which he does. He's one of those commanders that actually stayed on top of stuff. Um, this is called the common X card reader,

and you need it in order to access a lot of our military web sites in order to do the training. Some training you don't, but a lot of the trainings you do, like I'll show you that (unintelligible).

Q: For example, on this one here, if he's doing the mandatory online training...

A: Uh-huh.

Q: ...uh, whatever from home, here, does it show when he logged in, if he's logged in on that weekend?

A: Oh god. Not - not something that we could look at and say when he logged in, no.

Q: When it's submitted to you, when is it - what does it show?

A: Uh, well, he would submit to me if like - if a certificate is done uh, it automatically updates into a - another search system called ALMS, Army Learning Management System, but not all the training gets updated onto that, only some of the um...

Q: Yeah, the - the issue I'm having with some of these dates like this one here.

A: Mm-hm.

Q: Uh, we have information stating otherwise, so...

A: Mm-hm.

Q: ...it says online training, so you're saying he was here during...

A: No, I don't know if he was here. That's the thing, it's - I...

Q1: He could've done the online training from his home.

A: Absolutely. I've done - I've actually ordered my soldiers - not him. I haven't ordered him. I've ordered my soldiers to do the online training from home because here's why. Uh, this is a lotta information, but on drill weekends, I want my soldiers to participate in training that we can do as a group, not sit in front of a computer. I hate that. So I've actually ordered my soldiers, do your training online at home. Here's the guidelines I give my new soldiers that come into the unit. "You have 30 days to complete your training, get it done. You need a common access card. You need your ID card, of course. You need a computer with a PC, preferably not a lap. Get it done. You have 30 days," and I actually have 'em sign initial counseling saying they're gonna get

it done in 30 days. The guys who screw up and don't get it done in 30 days are the ones I get mad at, but...

Q1: Certainly.

A: ...obviously I didn't order Captain Pennington.

Q1: How long - how long of training are we talking online?

A: Oh my gosh. Um, for this, I'll pull it up for you. Uh, (unintelligible) mandatory online classes (unintelligible), okay, here we go. Well I'll show you the checklist rather than print out everything. But this is - file, print - there's a lot, sir. It's probably about - if you do nonstop probably about four days nonstop uh, like eight hour days, not nonstop, but eight hour days of work to get all this done. Um, and they're required and I - I put in there - excuse me. I put in there um, what's required one time, what's required annually. There's a lotta stuff we have to do annually in order to uh, make sure that uh, we stay current or they'll - we'll lose our access to our Internet privileges on the computers. So - so this is a - a list of online classes that are required by the military that I have to have the soldiers do, and uh, the annual ones is the one he would've worked on because he would've already had these done uh, very likely uh, because he's been in the Army for a while. It's the new soldiers that usually don't have these done because, you know, you only have to do it one time. These training right here are the ones they have to do uh, yearly - yearly required, yeah. So like for example on my counseling that I give brand new soldiers, it's the requirement within 30 days you have to turn these into me. Um, being that he's - he's a commander, we don't generally tell the commander, "Hey, turn in this stuff to me on this time." He - he can...

Q1: Do you have his - do you have his completed training records...

A: I have...

Q1: ...on those?

A: ...I have what he gave me probably.

Q: What did he give you?

A: Let's see. (Unintelligible) past, I don't know. I don't know what I have for him. Yeah, but I don't have - I have a PT card for him, his discharge orders and...

Q: Do you have any of those training records?

A: ...(unintelligible) - not for him, no, because this is something I started um, when I became fulltime here and he - he was already transferred, you know, for - but as an example...

Q: You - you see - you see what the - the issues though we're having like say with that. You're saying - you- you're telling us on one hand that um, you know, they're required to do this.

A: Mm-hm.

Q: And you know he was doing this during training week, but he hadn't submitted anything, so how can you say that...

A: Well...

Q: ...that he - he did that?

A: Because if he didn't it - it would pop up on a report like CRM. Here's the report that we pull.

Q1: But - but the - the issue is, Sergeant [redacted], he could - okay, so I'm a - I'm a cop and I work Monday through Friday...

A: Mm-hm.

Q1: ...8:00 to 5:00. I can do this at home...

A: Mm-hm.

Q1: ...during the week.

A: Mm-hm.

Q1: So you don't really know when he did it.

A: No. No, I...

Q1: What I'm saying. So I don't need to take a weekend off and say I'm going to drill weekend, and I'm not gonna be here this weekend, so take two days off, you pay me while I go somewhere else and then - so we don't really know if he did online training on that weekend or not.

A: No, I...

Q1: He - he could've technically done the online training...

A: Unless he has a...

Q1: ...while he's sitting at home on his...

A: Yeah.

Q1: ...on - on his regular workday when he gets off at 5 o'clock, or, you know, whatever.

A: Yeah.

Q1: He could be doing it any time he wants.

A: Yeah.

Q1: It wasn't necessarily that weekend.

A: I don't know if - I don't know if it was that weekend or not. No, I can't specifically say hey, it was that weekend. That's - unless he submits what's called a uh, 1380, the pay...

Q1: Right.

A: ...paperwork, but obviously we know he didn't 'cause we already checked on that...

Q: Mm-hm.

Q1: So...

A: ...last week when we - when we got all these dates we're looking at, they were like, "Okay, where are the dates for these?"

Q1: So you said you had pulled something from the payroll part of this (unintelligible)...

A: Yes. I didn't. Uh, Master Sergeant ([redacted]), we got a hold of Captain - Mr. ([redacted]) upstairs, and he was able to pull a report that says exactly when he actually submitted for pay, so...

Q1: For points.

A: For points. Um, and when he signed in for drill weekends. So he - he - he - he would still sign in when he's here for drill weekends as - as - especially as

company commander he signs at the bottom as well, or I can sign for him if he gives me that authority, but um, he - he signs those and he signs in on the line, and then that report shows exactly when he was here for - for what drill weekend, so...

Q1: Can we get a copy of that report?

A: Yeah, absolutely.

Q1: Okay.

A: Yeah, we were actually anticipating you guys gonna ask for that, so they printed it out, and like they might wanna see this.

Q1: Okay.

A: Yeah, uh...

Q1: And does that report coincide with these dates at all?

A: That's - we didn't look at um, very carefully, but we did notice one of the dates um, oh, yeah, because it was AT. So this - that's why it was for points, yeah. So the ones that he - the ones that he um, did for points (unintelligible) - I don't know if that's really accurate because some of them were - were for points. Um, I guess we'll have to look at it uh, side by side.

Q1: (Unintelligible) compare.

A: Yeah, compare it. That's really way - but the thing is, we - we talked this. So how come these aren't popping up when I know that he was actually here 'cause I'm like ha- I don't - how - how is that not matching up? And then we realize he wasn't submitting the 1380 for all of them for points. Some of them he wasn't doing it. So he hadn't done it yet.

Q1: Well he has a problem. We know that he wasn't here.

A: Oh okay.

Q1: For some of 'em, okay?

A: For some of 'em?

Q1: For some of 'em we know he wasn't here for a fact.

A: Okay, okay, the dates.

Q: (Unintelligible).

A: 'Cause that's - that's what I'm having an issue with is like...

Q: Okay.

A: ...I don't know the dates. That's a problem.

Q: So now knowing what you know...

A: Mm-hm.

Q: ...what - which dates on here can you say he was here that you saw him?

A: That's - I can't - I can't say like, hey, I know I saw him on that date, 'cause this is like not - a week ago or not a month ago. This is like June of 2012, June 24th. I don't know if you guys can remember that back far, but I sure can't remember, hey, he was here that date. But if this matches up with like...

Q: But you're kinda saying that because you're saying that you remember him (unintelligible)...

A: Doing the work, yeah, 'cause I was actually sometimes helping him doing the work; for example, when he came in to do the height and weight. He brought his girlfriend or...

Q: But how long does height and weight take?

A: Doesn't take much long at all. Uh...

Q: But if he puts in for a whole weekend - three - two and a half days, okay, uh, from our end...

A: Mm-hm.

Q: ...for training. Comes in here and spends what, half hour to get height and weight done?

A: Mm.

Q: Maybe an hour? I don't know.

A: Oh, no, probably like half - like 20 minutes.

Q: Okay, 20 minutes.

A: Because you know...

Q: And - and then done?

Q1: And then he's gone.

A: Yeah, or he - sometimes he would do the uh, commander stuff, go to Camp Pendleton (unintelligible).

Q: On that on.

((Crosstalk))

Q1: But his girlfriend was here, right?

A: I don't know about that weekend what he did. But he was...

Q1: But...

A: ...doing the Olympics that weekend I think actually.

Q1: Okay, so he wasn't...

A: The - the - for you guys.

Q1: ...what I'm saying is he wasn't here (unintelligible).

A: Olympics? The...

Q1: Well that, you do that on your own. That's like an extra...

A: Oh, that's his own thing? Oh okay.

Q1: It's like going and playing on a softball team.

A: Okay.

Q1: Okay?

A: Yeah.

Q: Was that - that - that time he came you say he did height and weight.

A: Yeah, when he was doing the Olympics.

Q: And he...

A: 'Cause I remember was really sore from playing football I think it was.

Q: But he was - that's the time he came with his girlfriend?

A: I don't know if his girlfriend, but a girl.

Q: A girl, okay.

A: Or I don't know if it was his wife or...

Q: Whatever it was.

A: Whatever it was.

Q: A female?

A: A female, yeah.

Q: And he got his height and weight done.

A: Yeah.

Q: And then he was gone.

A: Yeah.

Q: Okay. Uh, and what weekend was that? Is that a training weekend? Was he supposed to be here for training?

A: No, that was - I don't know if that was a training weekend. But I know it's - he - he put it in here because that was uh, here it is. So this weekend he said is - he is 24 July. I - I can't say hey, guys, it's 24 July, 'cause I - I'm not gonna lie.

Q: So, on this one (unintelligible)...

A: But I know he came in for that. That's why I signed off on it...

Q: ...(unintelligible).

A: ...'cause I know you cane in for that, sir.

Q: Okay.

A: Because I was...

Q: Okay. Okay, wait (unintelligible). On...

A: Yeah.

Q: ...PT test.

A: Mm-hm.

Q: It says PT test on there. You haven't mentioned. What would he have done for the PT test?

A: No, he didn't - this is - I don't think - wh- wh- when he wrote this - 'cause he type this up, I don't think he meant hey, this - what I'm taking a PT test here, I...

Q1: Well let's not try to guess what he - what he meant.

A: This is - this.

Q: I just - I just wanna know if he took a PT test.

A: No, he didn't take a PT test.

Q: All right.

A: So this right here, in order - in order to do height and weight it's for a PT test. So maybe that's what he meant by that. But to do a height and weight uh, we - every time we do a PT test we do height and weight. If the soldier hasn't taken a PT test or height and weight in a certain amount of time, that's when they pop up red. That's when I contacted him and said, "Hey, sir.

Q: But - but...

A: ...I need you to come in and - because you're showing up red on my report."

Q: Those - those things that you kept me- mentioning about popping up red...

A: Yeah, I'll show you if you want.

Q: ...does he - well, does he have access to update any of that stuff?

A: No.

Q: He doesn't?

A: No, no, no, no, no. That's - that's - that's our job.

Q: That's your job.

A: Yeah, us training NCO guys, like they limit that access because we don't want people just randomly putting in a 300 PT score like - like those guys up there.

Q: Well, let me ask you this um...

A: He can look at it because he's a commander, but he can't change it 'cause then that would be, you know, wo- I think - I think the Army's smart about that. They wanna...

Q: He can't - he doesn't have access to it or...

A: He - he should be able to look at it, the - the report - DTMS report, but he have to have the common access card, the computer, etcetera, to able to do it.

Q: But you said he has that access, right?

Q1: (Unintelligible)?

A: Yeah, he can look at it. He can't change it. Is that - that's what you're asking, right? He can't change it.

Q: He can't change.

Q1: The computer won't let him or...

A: He doesn't have the...

Q1: ...the rules say he can't?

A: No the rules - well, the rules, yeah. The - somebody has to give him access to (unintelligible), but no one's gonna give him that kinda access.

Q1: So he - okay. So here's my next question. I belong to a military unit in Fresno.

A: Mm-hm.

Q1: And I need my height and weight done.

A: Mm-hm.

Q1: Do I have to come here to do it, or is there another Army base, in Fresno, where I could go in and check in...

A: Mm-hm.

Q1: ...with an NCO and say, "Hey, I'm due to have my height and weight done. Can you do my height and weight?

A: I don't know. I've never had a situation like that where we send soldiers to a different...

Q1: Why would you drive six hours to do your height and weight for 20 minutes and drive back?

A: I think - I think he was already down here for the - oh yeah, for the...

Q1: But do - do you understand - but...

A: ...the - yeah, for the...

Q1: ...but what I'm saying is...

A: ...Olympics special...

Q1: ...it's required for him to do his height and weight (unintelligible)...

A: It's not required but I asked him to. It - it - so that makes our com- our new commander's numbers look good. So (unintelligible) more of a favor to me to come in, "Hey, sir, can you come in and do this because it's gonna make our numbers look better (unintelligible)...

Q1: But he's not gonna drive six hours to come and do his...

A: Not just for that.

Q1: ...height and weight.

A: No, he won't...

Q1: But you're telling me that on this one particular day...

A: Mm-hm.

Q1: He's got a girl with him.

A: Mm-hm.

Q1: They walk in. He does his height and weight and he leaves.

A: Yeah.

Q1: And he's not here that weekend, right?

A: I think that was about it, yeah. He wasn't - no, he wasn't here much longer than that.

Q1: Okay.

A: Yeah.

Q1: How many times last year...

A: Mm-hm.

Q1: ...do you remember him coming in for a few minutes and then leave and not be in here?

A: That would be the only time that he did that, and I think he did it as a favor for me, sir, for that - that time, just because he was down here.

Q1: Oh, 'cause he was already here.

A: Yeah, he was already down here. So he's like, "Hey, [redacted]. I'm gonna be down there anyway, so that'll - I mean if it's gonna help you out, yeah." 'Cause technically he doesn't really have to do that. Here's why. He's already been released verbally from our new/old previous commander, Lieutenant Colonel ([redacted]), to go to that new unit. So technically, he's already given - been given permission. You can do everything there at the uh, 400 Leggett Unit, I think it is -- his new unit wherever it is right now.

Q1: Camp Parks.

A: Camp Parks. Um, so because he's there technically, yes, he's still gonna show up on our books so it effects our numbers 'cause this stuff really matters to us -- the (Bifer) numbers, height and weight uh, mandatory online classes.

Anything that pops up red -- his medical; uh, if he doesn't have a flu shot on time that pops up red, like any little thing pops up red, and that's what we track as training NCO's.

Q1: Well - well...

A: So when I - when I asked him, "Hey, sir. I got a height and weight that's popping up red um, you haven't done it in blah-blah-blah amount of time." Usually it's six months you start popping up. Um, uh, could - would you be able to come down? He's like, "Well, I'm gonna be down here anyway," for that special - not Special Olympics, but...

Q1: Police Olympics.

A: ...Police Olympics thing. So like perfect. Come on down, we'll take care of it. So it was a quick.

Q: So you're not - you - you don't know if it was this weekend then.

A: Uh, I could check that one actually. You know why I could check that one? Because remember I told you there's a system that we um, input that in, and it's called DTMS. So we could pull that right now. I can tell you the exact date that he came in to do that (unintelligible).

Q1: So when you guys have uh, you- you're talking about you like to have all your soldiers come here and do training together where they're training as a unit.

A: Yes, absolutely.

Q1: Okay. When was the last time that Captain Pennington was here for a full weekend with everybody to do a full training weekend?

A: Well, that could be easily um, found out by looking at when he signed in last. So that documentation (unintelligible)...

Q1: That we're - that we're gonna have? All right.

A: Yeah. Yeah, we're gonna find that out very easily. Let me see (unintelligible). Oh god, I hope he's still on here. I just realized since he's transferred to the new unit, he might have fallen off here, but maybe not. Maybe he's still on here, P for Pennington. No, he's fallen off. But you know who can tell, his new unit now has accessibly to him now because we - he got discharge orders from here.

Q1: Right.

A: So his new unit could literally go into the same system 'cause it's national. It - it'll say all his previous times he came in for height and weight, so...

Q1: And that's - this is the only system that tracks that, that height and weight?

A: DTMS, yes, Digital Training Management System. So if he - if he came in on this date it'll show um, on this date that he came in for height and weight uh, and it'll say San Diego 'cause I put it in - or I did I put it? Yeah, I would've put it in it because I started here in May. So, yeah, I would've been the one putting it in, so.

Q1: You started here in May of '12?

A: May 2012. When I say started here, I mean fulltime here.

Q1: Okay.

A: So before I was the first sergeant in the Reserve, TPU side like him, but now starting in May, I started the fulltime, so then I got access to all this. But yeah, that's definitely something I can't pull now because he fell off our books, but you guys will be able to get from his new unit very easily, just as fast as I did it.

Q1: Okay.

A: So that's one way to verify if he was actually here or not is boom, right there the exact date. But I don't know, that's what I'm saying, I can't say to you guys, hey, I know he was here exact this date unless I could see it right now in the DTMS, but I can't 'cause he falled off the books.

Q: Can - can you do that for any of these?

A: See, I know he did this 'cause in order for this to happen - in order for us - you guys know by any chance these are? Okay. This is what's called engagement skills trainer. It's - it's mounted combat patrol. Captain Pennington was - was one of those commanders actually took a lot of his personal time to do stuff too. Um, and I know this because I was his first sergeant, and uh, you didn't see the other company commanders doing a lot of this stuff. So he - he - he invested a lot of time into making sure that we got a lot of good training. Um, this is a system - this engagement skills trainer is um, a really cool system that they have at Camp Pendleton. You go there. You go inside. You're surrounded by projections. You're inside a Humvee vehicle that's - it's stationary, and you go out and then you start shooting at the uh, power point - not power point, the screens...

Q: Mm-hm, simulator.

A: Like simulator. Like a simulator. So stuff like that and uh, that's what he was coordinating and I know he did it 'cause we actually went and did the training. So that's how I know he did this stuff.

Q1: But do you know it was on that day?

A: No, that's - that's - I can't. No, I don't know unless - unless it matches up with something he...

Q1: Signed in.

A: ...signed in, and, but he wouldn't do this on drill weekends. There would be no way a command - company commander could arrange something like this on drill because we're so busy on drill weekends already conducting training on things that we've already planned. How is a company commander just gonna leave on drill weekend and go coordinate this stuff. So a lot of this stuff he would do on his own time or whatever date he put on here I'm sure, you know, you guys - if - if he requested that time off from work maybe it matches up. I'm not sure.

Q: So if he was here on a - on a drill weekend, what does that entail? What is he doing?

A: He's running the company.

Q: Is he in this - is he in his building?

A: Oh absolutely. He's - he's - on drill weekends is when the - everyone who's a Reservist and active duty like myself, come here and meet together and we conduct training. Usually it's two to three days, sometimes...

Q: (Unintelligible) classroom stuff?

A: Oh, no, no. Sometimes it is because of the mandatory stuff like suicide prevention 'cause we have a lot of suicides in the military. So there's mandatory stuff we have to sit down and do stuff, but lotta times we're out and about. We're conducting training and Camp Pendleton, and that's - that's how we were able to get a lot of this training because he's the one who did the coordination with um, EST people um, engagement skills trainer, yeah, EST. We did the mountain combat patrol, and he had some - three to four drill sergeant guys that he brought along from his previous unit that came here and they were really supportive um, in getting a lot of the training together as well.

So (Amrab) training, yep, because I wasn't he- there for that, but I know the soldiers did go to that (Amrab) training. You know - you guys know that big uh, heavy bus looking vehicle?

Q1: But - but I'm not - I'm not disputing the training.

A: Mm-hm.

Q1: But we don't - you're saying it's impossible for it to happen on that weekend - on a weekend.

A: Oh.

Q1: It can't happen on a weekend because it's too involved. You're saying it had to happen during the week is what you just said.

A: Yeah. Well, maybe - I don't know how - what he exactly did it on this day or not. I don't know. That's - I would say it's pretty hard to do on drill weekends. I mean, but...

Q: So you - you remember doing the training...

A: Absolutely, and he had it...

Q: ...and coordinating.

Q1: But you don't know when it was.

A: I don't know - I don't know when he coordinated it, no. Like when he - I know when the training was, yeah, probably - probably during annual training when I wasn't there because um, I know my soldiers told me, hey, we did the (Amrab) training. We went out there and did all this um, during AT. So ye- and uh, it - it was in July of 2012? Was that 2011 - July - no, no, I wasn't there for 2012. So it was 2012 July um, 'cause I wasn't there for AT for 2012 and that's when the soldiers said they did all this, so yeah. So July of 2012 is when they did this training, and then he's saying he set it up around September um...

Q: (Unintelligible)...

A: ...setup the training, so that makes sense.

Q: ...this - this doesn't - this doesn't say setup though, is what it - right?

A: No, he's not saying training coordination. Oh, yeah. He did put coordination.

Q1: September - September is after July. You're saying you did the training in July.

A: Well, we did it um, ba- ba-uh, during - we did training similar to this in 2011 and 2012. So annual training happens once a year in July, so...

Q: But this training here didn't happen in September. That's September.

A: No, no, he's not...

Q: It happened after.

A: Yeah, he's not saying um, he - he did the training. He said - it says training coordination. That were to make sense if he did the training in September.

Q1: Well how - how would you coordinate it after it happened?

A: Well, we - we have it every year.

Q1: That's what I'm saying, after the fact.

A: Right, we have it every year, so...

Q1: But he already knew he was leaving. By September he was already gone to another unit.

A: Mm-hm.

Q1: So he wasn't setting up anything for this - that means you're saying that he's setting up in September of 2012 for training in July of '13?

Q: When it happen in July.

A: Right, right, right. Yeah.

Q1: See the problem?

A: Mm-hm.

Q: This - th- this training woulda happened, according to you, happened in July, th- this type of training.

Q1: Annual training.

A: Usually that's in Ju…

Q: Not - not - not the coordination, the actual training that's in July.

A: The actual training would be in July, yes.

Q: Of 2012.

A: Yes, and he put September, so.

Q: That's what I'm saying. You see the problem there?

Q1: See the - see the problem?

A: Yeah.

Q1: Okay, the dates aren't real. They're - because we have, you know, he's - he's filling holes.

A: Mm-hm.

Q1: Okay, for time that he wasn't here. So that's the issue.

A: Mm-hm.

Q1: So be careful not to get drug in with him (unintelligible)…

A: Yeah.

Q1: …you know, this happened and I know he, you know, he had to…

A: Yeah.

Q1: …think it through, okay? You don't setup training in September when it just happened in July…

A: Mm-hm.

Q1: …two months prior, and he already knew he was leaving this unit, so he's not coordinating to setup training again…

Q: For you guys.

Q1: …for you guys when he's not gonna be here in one month. He's leaving the next month.

A: Yeah, a good point.

Q1: Okay.

A: Good point.

Q: (Unintelligible) the focus is not you, man.

A: Oh, I know.

Q: You know that's wh- want you - you - you seem pretty excited...

A: I'm excited 'cause I - I do care about this guy...

((Crosstalk))

A: ...but I'm not gonna cross the line, you know?

Q: And too Sergeant [redacted], that's what we wanna make clear. You're not the focus. okay? We're here to get the - the true story of when...

A: Mm-hm.

Q: ...he was here, when he was not here.

A: Right.

Q: Okay? That's it.

Q1: That's what...

Q: On our end he - he's able to put in for military time. That time is paid.

A: Mm-hm.

Q: And if he's paid we expect him to be training out here, okay?

A: Abso- yeah, absolu- I totally agree. We should...

Q: And we have - we have information stating otherwise.

A: Okay.

Q: Okay? And the conflict - and is that - we drove all the way here to speak to you in person...

A: Right.

Q: ...instead of doing it over the phone, okay, but...

A: Mm-hm.

Q: ...it's that important that we're here in person talking to you and we wanna know exactly when and when he was not here.

A: Right, right.

Q: But you're saying that, "Yeah, I remember this." It just, you know, don't - don't step over that line.

A: I won't.

Q: This is your fulltime job.

A: Absolutely.

Q: Okay? Um, and we just want you to tell us the truth. That's all...

A: Absolutely.

Q: ...that's all we need from you. Don't make assumptions, don't, you know...

A: Yeah.

Q: ...don't think this is what he was doing because you don't know. You try to explain this and it doesn't make any sense.

A: Mm-hm.

Q: See what I'm saying? If you don't know and it doesn't make sense (unintelligible)...

A: It doesn't - it doesn't make any sense because you guys told me the dates - the - because but when I look at this...

Q: You - you know - you know the dates though. That's what I'm saying. You...

A: But - but that's the thing when I signed off on these, I didn't look at the dates. I - I signed off on it, and then I just copied whatever date - literally, I was done with that in no time. It was like, "Here you go, sir. No problem."

Q: And this is when you sign...

A: Because here's why.

Q: Hold on. Is this when you sign...

A: You guys, you know...

Q: ...2013...

A: Mm-hm.

Q: That's an...

Q1: You made a mistake.

Q: ...that's an example there.

A: Exactly. That tells you how fast I was going through it. I wasn't thinking in my head, oh, this guy - I wasn't thinking Captain Pennington's making anything up 'cause I - I know him from working here, from him being my commander...

Q: You didn't - you didn't - you didn't verify - when he gave you this to sign...

A: No. No of course not.

Q: But you said when he call...

A: I should have. That's what I got in trouble for, like, "[redacted], did you at least look at the uh, pay thing?" 'cause apparently we can talk to these guys upstairs and that's what ([redacted]) was able to printout.

Q: Okay, real quick though. But when you said...

A: And that's what I got in trouble for is, like you should have at least checked the dates...

Q: Hold on, hold on, hold on.

A: ...to make sure...

Q: When he called you. You said he called you and he - and he says, "Hey, I'm gonna send you these things," and - and he went down the line; he's tell- about training, "You remember I was here for this."

A: Yeah.

Q: And you're saying you had that conversation with him.

A: Absolutely. That's why I was like...

Q: So did you go through each one with him saying, "Remember I was here for this thing."

A: No. No, that was over the phone, and then after he sent it to me, "Hey, could you take a look at these and sign off on 'em."

Q: So he just made reference to training...

A: The training that he already had...

Q: He didn't make...

A: ...done.

Q: ...he didn't - he didn't go over dates, specific dates, okay, "Do you remember I did this training, and it was on this date."

A: No, we didn't go over dates.

Q: He - he - he didn't do that with you?

A: No.

Q: Okay.

A: We just went over the training and everything he told me and I - when I look at these, if I still don't look at the dates and I just look at these, I know he did it. So that's the easy part 'cause - and I know there's - all the company in our uh, all the people in our company could also say, "Hey, look. Yeah, we were - we did this. We did this. We went to this training." But my mistake was not looking at the dates.

Q1: Here - here's the problem. Sergeant [redacted] is (unintelligible) for our department.

A: Mm-hm.

Q1: I can - he can say, "Remember when I did that training last year?

A: Mm-hm.

Q1: Remember? Remember that?" I say, "Yeah, I remember when you did the training." But for me to recall exactly which weekend, he can tell me whatever he wants. It was on this date and this time, and I - I'm either gonna look at him...

A: Mm-hm.

Q1: ...and go, "Yeah," but you're in charge of the records. You're the one that's responsible for these documents.

A: Mm-hm.

Q1: Okay? So when you put your name on 'em, you're putting your name and your signature and the date which isn't the true date when you signed it, to a document that wasn't - that you don't - you can't really answer for.

Q: If - if you...

A: I know. That's why I got in trouble.

Q: ...if - if - if there was no - well, if there was no um, miss-intention on your part...

A: Yeah.

Q: ...to sign these, why didn't you sign the current date of this year? Because you didn't sign 'em back then. You signed 'em like you - you were to sign 'em back when he submitted 'em, right?

A: Ju- yeah, just - just copying the date, whatever.

Q: But see what I'm saying?

A: (Unintelligible) usually they do on the other ones that I do.

Q: I understand that, but you - you're - you're in - in sense falsifying (unintelligible)...

A: I know. That's what it looks like, yeah.

Q: Well, it does. I mean, th- you disagreed it looks like that, or looks any different?

Q1: Especially this one. You're saying, you know, I - I - I coordinated training uh, training coordination of engagement skills trainer. This is in September.

A: Mm-hm.

Q1: So you're - so it's a falsified document.

A: Mm.

Q: Because you're going back and backtracking, dating (unintelligible)...

A: Backtracking, yeah, yeah.

Q: ...when if - if I'm Pennington. I call you say, "Hey, remember I did this training?" "Yeah, I remember you did this training." "Okay, can you sign these off for me?" "Absolutely...

A: Mm-hm.

Q: ...I'm gonna sign them this year. Okay. I'm gonna sign 'em for you, but I'm signing 'em this year because you didn't give these to me last year...

A: Mm.

Q: ...2012 during this time. I'll sign them," but you're gonna sign them with current dates.

A: Yeah, that didn't even cross my mind to do something like that.

Q: What...

A: It was just, "Hey, look. I know you did it. That's the date."

Q: ...what conversation did he have with you in regards to signing these things? What - what specifically did he tell you?

A: Um, pretty much he - we discuss what he - he's done for the unit, and I said, "Yeah, I know you did those things." "So I have the RST forms. Um, I've had 'em. I just never turned 'em into you." I was like, "Okay, no big deal. You're a commander, so, and you're only doing it for points," so there's really

- that's why we probably haven't turned 'em in, and usually they get turned into what's called the S1 Shop; the admin personnel shop. They're the ones who process the pay, process the paperwork. So he told - he uh, told me that, you know, "Okay, I'm gonna send 'em over to you. Uh, can you just sign off on 'em, get 'em back to me." And it's like, "No, problem." So it was that quick. That's probably why I made all those mistakes 'cause I wasn't really looking at it. I was just signing off on it, putting the date whatever I saw.

Q1: Did he specify - did he specify to you what date to put on there?

A: No, no. Whenever we covered like hey, this date, this date, no, nothing like that. Just said hey - we just pretty much really briefly talked about what - what kind of training that he participated in, and what he coordinated, and I know he - I know he did those things, so that wasn't a hard decision for me to say over the phone, "Yeah, no problem. I'll sign off on it." It wasn't like a big deal to me, and now it is. I can tell. It's coming down to a pretty big deal.

Q: When he - when he...

A: But I didn't know like the, you know, that this is all - this - that he was under so much, you know, investigation and stuff. Just - I thought - I thought he just needed to show documentation that he was training, and I knew he was training, but I didn't know it was such a detail to like you guys were looking to exact dates when he was here (unintelligible) - that I didn't know about all that stuff.

Q1: Well we have a police department to run. So if we have soldiers who are saying...

A: Mm-hm.

Q1: ...I've gotta be at training in San Diego...

A: Mm-hm.

Q1: ...and I have to leave on Friday, and I can't come back until Monday...

A: Yeah, he has a long drive.

Q1: ...but whatev- you know, whatever it is, we expect that they're gonna be here those three days...

A: Right.

Q1: ...training, working an eight hour day...

A: Mm-hm, or more.

Q1: ...or more for the military.

A: Right.

Q1: Right?

A: I agree.

Q1: All right.

A: Yeah.

Q1: Okay, and so when that's not really the case.

A: That's why you guys are looking into it.

Q1: That's why we're here. It's...

A: (Unintelligible).

Q1: ...it's theft of public funds.

A: Mm-hm.

Q1: Okay? And you can't steal money...

A: I'm 100% agreement with you.

Q1: ...from the taxpayers.

A: Yeah.

Q1: And it doesn't look good for the other military personnel who are doing the right thing.

A: Mm-hm.

Q1: Okay?

A: I agree.

Q1: Whether he's a captain, whether he's a fricking colonel. I don't really care whether he's a...

A: Yeah.

Q1: ...an, you know, a first year enlisted guy.

A: I agree.

Q1: You gotta be honest.

A: Absolutely.

Q1: And as a cop you have to be truthful.

A: Mm-hm.

Q1: Okay? So...

Q: The uh, the conversation you had when he called you initially and to- told you hey, um, so and so - girlfriend, ex-wife, whatever submitted a complaint (unintelligible)...

A: Yeah.

Q: ...and there's an investigation.

A: Mm-hm.

Q: Uh, what'd he say specifically with his training records? What'd he tell you?

A: Mm, see. He said we didn't - we didn't say training records, it's RST work plans. He said uh, he's got some training records that he hadn't turned in um...

Q: But what'd he say in regards to the investigation, why he needed that? What did he - what did he say?

A: Oh, uh, they wanted - he - you guys were looking into some allegations that somebody was making that uh, he wasn't at uh, training with us. Yeah.

Q: Okay.

A: Yeah.

Q: Okay.

A: So that's why he needed to have me sign off on the paperwork showing that I was there, and was like, and then he went over, "Hey, do you remember I was here for this? I was here for this?" "Yeah, I clearly remember, and so does the rest of our company remember you being down (unintelligible). I said I had no problem signing off on it.

Q: So once again when I said he just told you he discuss the training. He didn't discuss the exact dates with you.

A: No, he didn't - no. No, he di- ex- he didn't discuss exact dates with us.

Q: Okay. And he never mentioned anything in regards to uh, you filling out that - that past date?

A: No. No, we didn't mention - talk about that at all. No.

Q: You - you - you just - you just took it upon yourself to sign...

A: Yeah.

Q: ...that back date?

A: Yeah.

Q: (Unintelligible)?

A: I don't - I didn't see a really big problem with it, but now I see it is.

Q: Okay, (unintelligible). Is it - is it normal for each soldier to fill out their own requests?

A: Um, depends. The - this is the guidance that I gave the soldiers when I was a First Sergeant, was if it's - if it's ba- three to four days before battle assembly and it's an emergency, I'll take care of it for you because - because remember, if soldiers aren't here they have to fill it out, scan it, and then mail it back to us, get the uh, commander's signature unless - unless I get the okay. This is what I usually do to expedite things. I call the commander. "Hey, is that okay with you if this soldier," because he can't attend drill (unintelligible). Are you okay with him missing drill? Boom, then I sign for the commander, no problem, and that's what I do all the time.

Q: But so you're saying sometimes you fill these out?

A: Oh yes, like here's an example. These are the ones I filled out, and most of the time you gotta like take care of troops; not bother them with stuff. I usually filled it out for them, so.

Q: But it's not - it's not out of the ordinary for them to fill it out also?

A: They can, and they do, and sometimes I tell them hey, because like Captain [redacted] just filled his out. Um, Sergeant ([redacted]) just filled his out 'cause they - it was uh, plenty of time before the actual drill event. So the ones I usually did for the soldiers is when it's really close and they have some kind of emergency and they tell me that they're family member died, I'm not gonna tell them go fill this out, and then get it back to me. That's insensitive. So I tell them, "I'll take care of it for you. Let me get just - let me just get okay from the commander and the First RNC if that's cool."

Q: When other soldiers fill these out, do you make it a point to verify dates or you just sign off on these; you take their word?

A: Um, well...

Q: With other soldiers.

A: I - I would say for other soldiers for battle assembly dates, definitely I check using - have you guys - he's probably turned it into you guys, but uh, every year we have a - a schedule of training.

Q: Yeah.

A: You guys have that?

Q: Yeah.

A: Okay. So that - that's what I use to ver- I mean, it changes sometimes twice a year uh...

Q: (Unintelligible).

A: That's exactly it, yeah.

Q: Yeah, this here is new.

A: Is that the one from our unit?

Q: No.

Q1: That's - that's from his new unit.

A: New unit, okay.

Q: New unit, yeah.

A: So he has one from our unit um...

Q1: Do you have one from your unit from last year?

A: Ab- absolutely. You - I keep everything. (Unintelligible) - you guys don't ha- you guys don't uh...

Q: You know what? If you have it - I may have it, but I don't have it with me.

A: Okay. So...

Q: I think he uh, (unintelligible).

A: ...um, yeah, he - he would've - he should've turned that into me. That's what - that's, you know, what usually they do - soldiers do. I'm sure - here it is. I have it all the way from 2011, and see there's two for this year 'cause it was revised, and they're dated so you can tell which ones (unintelligible) print these out?

Q1: Yes.

A: No problem. (Unintelligible) - that's 2011. This is 2012, and ends - do you need this?

Q: (Unintelligible) - let me see.

Q1: He was gone.

Q: Right.

A: October - yeah, because he didn't transfer until (unintelligible) yeah, there's only one for fiscal year 2013. So, I have soldiers, Pennington. So he got reassigned to his new unit officially 17 September 2012. Oh, I'm sorry, effective date 24 September 2012. That's just the...

Q: Twenty-fourth?

A: Uh-huh, that's the effective date meaning um, he was allowed to, for like six months, I think around, to go to his new unit because it's uh, obviously closer

to his home and also he was gonna be transferred there anyway. But sometimes because of administration backlogs, sometimes it takes three months to six months for somebody to actually transfer to a new unit, and then that's when you get permission from like the higher commander; Colonel ([redacted]) says, "Hey, that's no problem, just uh, you can start drilling at your unit, but you - obviously they still belong to us when it comes to numbers, statistics, when it comes to effecting how - how we look um, medically -- everything. Um, so that's why, you know, I would hit him up and say come in and do your height and weight 'cause you're still affecting my numbers. I know you don't drill with us anymore, but I still need you to come in and help out - help us out so we look good. Here's 2010 and then the last one's 2013.

Q1: So if I asked you a question so you just - you said, you know, "You're still a part of our unit. I need to do your height and weight because, you know, I know you don't drill with us anymore."

A: Right.

Q1: When was the last time that you remember that he drilled with this unit?

A: Rather than me guessing we can just look on the paperwork.

Q1: Paperwork...

A: I'd rather not guess...

Q1: Okay. All right, that's fair enough.

A: ...yeah, 'cause I - I don't - I - I really don't like to guess and that's what I'm doing a lot right now. I'm like, okay, 'cause I know he did this stuff, but I just don't remember the dates, so I don't wanna say, hey, he was here that day.

Q1: Okay.

A: But the paperwork shows, so.

Q1: Sure. It'll show when he signed in...

A: Yes.

Q1: And when he was here.

A: Yes, and...

Q: And we got that now (unintelligible).

Q1: Yeah, yeah, (unintelligible).

Q: You wanna go grab that?

Q1: Why not?

A: Oh, yeah, yeah. Let me go get it.

Q1: Great.

Q: Yeah. We'll be going off record, time is 9:23.

Q: Record - okay, we're going back on record. Uh, time is now 9:38. Uh, same people are present, Captain [redacted], self, Sergeant [redacted], and Sergeant uh, [redacted].

A: [redacted].

Q: Okay. So you provided us with um, basically a schedule that shows when uh, a soldier um, specifically uh, Pennington would been here, woulda signed in um, or not...

A: Or not.

Q: ...if he wasn't here.

A: Mm-hm.

Q: And this is kept - training record or it's kept uh, records by payroll?

A: Payroll.

Q: Okay.

A: Yes.

Q1: So this is for points and for pay which show whether he was here.

A: That's what I think it is 'cause that's why I wanted to bring Mr. ([redacted]) down...

Q1: Yeah, that's - that's (unintelligible).

A: But she understands a little bit better than we do because she deals with a lot of this stuff.

Q: Okay.

Q1: So if we go back to uh, the dates that are on here uh, and using the codes it says excused absence with RST scheduled. So he's...

A: Mm-hm.

Q1: ...had excused absences going all the way back to February...

A: Yes.

Q1: ...of 2012, and all his - all his weekends are excused going right up to uh, April 15th, was the last time he was excused and then when we start on the dates in May, which is 18, 19 - or uh, 18, 19th, and 20th, he has an excused absence with no RST scheduled.

A: Right.

Q: Where he doesn't have (unintelligible)...

A: Where he doesn't need to make it up.

Q1: Where he doesn't need to do anything.

A: Yes.

Q1: Doesn't need to make it up, doesn't need to do anything. And those excused absences run all the way out through the June training, okay? And we have documents here that are dated in July, but according to these records he was never here in July.

Q: We got June here; June 23rd, 24th.

Q1: They're - he jumps from...

Q: June 24.

Q1: ...06-24-12 to August 18th, 19th, and 20- or 18th and 19th uh, is the last - is the next training day.

A: Mm-hm.

Q1: So it says he wasn't even here in July.

A: Mm-hm. And that's something you might wanna talk to him about is, the 1380. If he actually - I should show you guys what a 1380 looks like 'cause I keep saying it. A 1380 is a form that he has to submit. If he's doing it for points um, because he's doing it for points - if he wasn't doing it for points he doesn't have to submit that document. He just signs in on that, he's good to go. But if he's saying, like right here it says none drill for points. If he's doing it for points, if he does not fill out this document and submit it, and have a - we found out last week it has to be a lieutenant colonel, which is the highest ranking guy in our unit, has to sign off on it uh, then he can't get the points. So that's something you guys have to ask him if he actually submitted those 'cause he didn't submit them to me. The ones that I have that he submitted or I submitted for him, I - I keep everything, like I told you guys.

Q: But if he's not here he can't submit 'em.

A: Well, if he's doing it for points and he's here...

Q: Well - well that's what I'm saying. We - these records show he's not here, so why would he submit stuff when he's not here?

A: No, no. I guess what I'm saying is, if he's submitting for 1380, and he's not here during a battle assembly weekend, 'cause those are the dates for battle assembly weekend. The - so if he's not here during battle assembly weekend and he's doing um, RST's which he did a lot of then when he does those RST's, he has - and he - and also on battle assembly weekends, he has to submit what's called a 1380 in order to get those points.

Q: No, I - I - I get that. But what I'm saying is...

A: Oh.

Q: ...these - wh- these RST's, the dates...

A: Mm-hm.

Q: ...were saying he's not here. He wasn't here for these RST dates...

A: Uh...

Q: ...according to the information I have.

A: I don't know.

Q: So th- th- and that'll be the - that would be a good explanation of why he's not submitting those 380's.

Q1: 1380's.

A: Thir- 1380's.

Q: ...if he's not here?

A: I don't know. Gonna have to ask him that one 'cause uh...

Q1: And you have rec- you have records of the ones that he has submitted.

A: Yes, yes.

Q1: Okay.

Q: When's the last one he submitted?

A: Let's see. Whatever - what - whatever he submitted to me. He - he - technically they don't have to submit it to me can go through the S1 Shop, which is the pay people, so.

Q: But if it goes over there do you eventually get 'em for your records?

A: No.

Q: You wouldn't get 'em.

A: Because I'm not the pay person. Only the pay people keep the pay stuff.

Q1: But the pay people would - would...

A: But I - but the way - the way I operate is, I tell my troops to have everything go through me just to make it so that I can track everything for them. I make, you know, I don't want things falling out of the...

Q: But the page - well, if they - they're putting that A on there they're saying...

A: That's because I coded it A, or somebody else coded it A. I know the - a lot of those S's that are RST, I coded them because that was my job as a First Sergeant to go around...

Q: Sure.

A: ...to make sure that person is here or not, and then I would code them S, so...

Q: But if that pay person is putting a A, th- they're saying then that...

A: That person - that...

((Crosstalk))

A: ...for that date they were not there. Yes, that they coded them A, that means they've been excused and they're not gonna make it up.

Q: They're not gonna make it up, okay.

A: Mm-hm, and then S, which is probably most of 'em mine, is um, 'cause I'm - I was the one responsible as the First Sergeant to fill out that document...

Q: Mm-hm.

A: ...to get all the signatures from the soldiers. I would have - I would fill out S for soldiers that are telling me, "Hey, I've been excused to RST," or, "I've been excused to uh, miss drill.

Q: But pretty safe on these that they have A, were excused; they don't have to make it up there was never any RST done otherwise they woulda - they woulda coded it different, right?

A: Yes, I think so, but I would verify with Ms. ([redacted]) because she's the pay person.

Q: Well that's what she said.

A: Okay.

Q: That's what she said. That's what she said.

A: Because - because a S is yes, you will RST...

Q: Yeah.

A: ...in the future.

Q: Mm-hm.

A: A is excuse meaning you will not RST.

Q: You don't have to (unintelligible).

A: So you don't have to and you don't plan to.

Q: And she...

A: You don't plan to.

Q: ...then she mention that at that time it's hard - right now it would be hard to go back and see when he RST'd because there was nothing showing...

A: If he submitted...

Q: ...they submit prior.

A: Yes, he needed to submit it.

Q: Now it's different. It's easier to track...

A: Yes.

Q: ...but back then it's not.

A: Back - no, because we have the new R pack that are actually working here now. We didn't have a support team back then.

Q: Okay.

A: It was very minimal support. Here we go. I'll show you the ones I have for him (unintelligible) oh, let's see (unintelligible) that's number 16 S1, RST um, 1380 for pay. This is one of them. I just have one for him that he turned in 2012 - oh, this is when - yeah, this is when I paid him four hours 'cause you can't pay a soldier less than that. That's why he got half day pay, but obviously you don't get a full day's pay if you're coming to height and weight, so.

Q: And that was this day that you have it on here for one point on...

A: Yes, where he got one point - retirement point.

Q1: June 14th.

A: It says June 21st.

Q1: Or - or June 21st.

A: Not the 14th. Oh, I'm sorry. That's the one I created the document, I think. It says the date actually it took place June 14th, yes. Soldier provided height and weight for update into DTMS. Oh, he was also here because soldier provided (unintelligible) support forms and other (unintelligible). So he wasn't here. That's why - he wasn't here just for the height and weight. He also came in - in order for an officer uh, to get evaluated he needs to provide what's called a (OlER) support form, which pretty much entail what he's done during his one year annual period and then he provides that (OLER) support form to whoever is rating him, which is for him, because he's a commander uh, it would've been Colonel ([redacted]), his boss. So that - he was working on that as well, so that explains why that's in there.

Q: Okay.

A: 'Cause that's something that's required of him to submit to uh, Colonel ([redacted]).

Q: (Unintelligible).

A: You guys want this?

Q: Sure.

Q1: Sure.

Q: That process, you said that took about 20 minutes?

A: Uh, for me. For - for him to do his stuff, I don't know how long he took to do his support form. That's...

Q1: But it was an affidavit report.

A: Yeah, I - yeah.

Q1: That's what he got credit for.

A: That's what he got credit for. That's the lowest I can give 'em credit for. So I'm not gonna give somebody more unless they earned it. So if he was here less than four hours then that's what I can give him. If he was here more than four hours then I can give him eight hours and two retirement points, but obviously it wasn't less - it wasn't more than four hours.

Q: Right. In going back Sergeant [redacted], on these uh, forms that you sign, it said for the commander. The commander at that time was who?

A: Um, this is - okay, there's two - two processes uh, this is such an explanation. There's Colonel ([redacted]), who I told you was really strict about who can RST and...

Q: Mm-hm.

A: ...the reason they can RST.

Q: Mm-hm.

A: Uh, for him it was um, you have to get permission from him directly. So I told you I was a first sergeant for Delta Company. I would have to go to the Colonel ([redacted]), e-mail him or text message him. Usually he likes e-mails. And would say hey, sir, um, I have a soldier named blah-blah-blah. He's got a wedding for his sister planned this weekend. Do I have permission for him to RST? So we had to do that for everyone in this unit whoever needed to miss drill, which he wanted to track it by name like who miss drill. And then when Colonel ([redacted]) took over, which is the replacement for Colonel ([redacted]), he gave that authority to the company commanders. So now the company commanders can make the decision on if somebody could miss drill or not. So um, so that's - that's - I had to explain that; two different things. So...

Q: What commander were you signing under for this one?

A: This one would be for me uh, th- oh, this is for ([redacted]) because the dates. That's how we could tell because remember how he was...

Q1: When did ([redacted]) leave?

A: Um, ([redacted]), when did he leave? Colonel ([redacted]) took over three months ago, so not too long ago, so...

Q1: And he was here all of last year or who - you said Kyle was the...

A: He...

Q1: ...company commander.

A: Yes, until he got replaced.

Q1: Is he - okay.

A: So what this is...

Q1: Who replaced him, ([redacted])?

A: Oh, no, no, no. Uh, no, ([redacted]) was the battalion commander.

Q1: Battalion commander.

A: And then uh, Pennington is the company commander.

Q1: Company commander.

A: And then ([redacted]) replaced uh, Pennington.

Q1: Okay, okay.

A: So when it comes to ([redacted]), he got the okay from Colonel ([redacted]) directly himself that hey, I - you can miss drill until - you can RST until you transfer to your new unit. So that - that was, you know, that's why - that - that explains why we didn't do these RST forms. I didn't personally have to do all RST's form because he got the verbal okay directly 'cause he's the commander. I don't - I go for the soldiers to ask permission to the commander. I don't go to the commander for another commander to get permission...

Q: (Unintelligible) himself?

A: Yeah, of course 'cause...

Q: (Unintelligible) got permission directly from ([redacted])?

A: ...of course 'cause it's he's the commander. I mean why would a young guy, like me go up to a big guy and say, "Can my commander, my boss, miss drill?" It doesn't make sense.

Q: Is that partly why you really didn't question the - the...

A: There's a lotta reasons why I didn't question uh, the dates or anything.

Q: ...or verify the dates or anything?

A: Verify because he's a commander, like you don't expect that uh...

Q1: Where's ([redacted]) now?

A: Uh, not with us. He could be uh, we can ask. I'm not sure exactly where he is, but we could probably...

Q1: Be interested to talk to him.

Q: If he's available, absolutely.

A: Yeah. I don't know if he's at a different - I know he's not with us, so he's...

Q: Right.

A: ...either at a different unit or retired, one or the other.

Q: Right. Uh, after - after you got spoken to about the uh, the uh, training requests or...

A: Mm-hm.

Q: ...um, the RST's uh, you've since spoken to uh, Pennington?

A: Mm-hm.

Q: When did you talk to him?

A: I called him right after like, "Hey, what's going on? This...

Q: When - when did they talk to you? They talk to you (unintelligible)...

A: Uh, last...

Q: ...last Thursday?

A: ...Thursday I think it was.

Q: Okay.

A: 'Cause we left - yeah, I think it was last Thursday.

Q: So immediately after you called him?

A: Mm-hm. I was like, "Hey, sir. What's going on?" Does - they're talking about uh, IA...

Q: Tell us about that.

A: ...coming down here and talking to me about the RST work plans. What's wrong with 'em?" And he was explaining, "Well, you know what? They just

wanna verify, you know, everything that is on the RST work plans." I go, "Well, that's not gonna be a problem because I know you were here for - to do all that stuff." He's like, "Oh, I know. That's okay. Just tell 'em whatever, you know, you see - whatever - whatever - whatever, you know, you remember tell them honestly." I was like, "Roger that. That's what I'm gonna do." That's why it was - it was no big deal to me like, but now I realize this could get him into some trouble because you guys are looking at certain dates and stuff, and it's not matching up. But I - that I wasn't aware of.

Q1: Okay. So with that in mind...

A: Hopefully he can prove everything like uh, wherever he was he could...

Q1: Okay. So with that in mind what we - what - what we just talked about, I have the - I have the schedule in front of me. So we're gonna go over the first request uh, to reschedule training -- the RST that we're talking about, okay?

A: Mm-hm.

Q1: And so this one says uh, recon of training areas and training coordination uh, 24 June. Uh, up here we got the dates 23rd and 24 June, but on this paper, if we go to June, according to the paper...

A: This paper will show the drill date, so it wouldn't...

Q1: Well, (unintelligible)...

A: ...coincide with this.

Q1: Oh.

A: Because the drill dates are when everyone's here, and then these are the dates that he's requesting to be working, right, date of make up, so it wouldn't show up on here. So what would show up there is for that month he would get a R or S or an A, right?

Q: That's what I'm saying but...

A: Yeah.

Q1: But he - he got an R for the June 14th, but that's actually the date...

A: R, what does R stand for again?

Q1: R stands for...

Q: RST.

Q1: ...uh...

A: S is RST.

Q1: Performed duty -- actually...

A: Oh R.

Q1: ...actually was here and perform duty.

A: Yes, that's what it means.

Q1: So he came here and that's the day that he took the height and weight.

A: Is it that date, June?

Q1: June 14.

A: Okay, yeah.

Q1: Well, on this, according to here. Over here, I'm looking at this one here.

A: Oh, it says recon.

Q1: Okay?

A: Mm-hm.

Q1: So but his RST says that on June 23rd and 24 he was doing recon uh, of training areas and training coordination.

A: Mm-hm.

Q1: Okay? So...

A: So...

Q1: ...there's no way to verify whether he did or didn't.

A: Only if he turned in a 1380 for the points, or for pay, but obviously we already know that...

Q1: He didn't do either.

A: ...he didn't submit a 1380 for pay because of the whole uh, you know how he gets money from the VA?

Q1: Well, how do we - so where's the sheet for points -- that keeps track of points?

A: Well, this is it.

Q1: This is it.

A: The points, but this only shows - that's what she was trying to explain to you like, it only shows the dates that either a 1380 were submitted, or the actual dates that they - we have on battle assembly dates.

Q: So with these dates right here...

A: So these dates that he chose, yeah.

Q: ...if we - if we had the dates can she go and try to look for these dates?

A: That's what she was explaining. She can't. She doesn't have access to that. Um, R pack might have access to it upstairs.

Q1: Okay.

A: But there's that - but I don't know if they're gonna be able to help you. Remember how she was saying we're not allowed to access people that's not in our unit, but if we go to your new unit.

Q: When (unintelligible) said they might be in the cage...

A: Yes.

Q: ...the actual hard forms?

A: Yeah, she said these might - these might be in the cage where she can look through those and see.

Q1: Well, we know the exact dates that we're looking for. So w- 'cause he put the dates on here, so we're saying - but okay, that's just one.

A: Mm-hm. Mm.

Q1: Let's - let's just - let's just go with that one.

A: But I think it'd be faster, like no joke, faster than going through all the paperwork. Like if we just...

Q1: Just go upstairs and see if they'll let...

A: ...rather than...

Q1: ...do it for that time period?

A: Yeah, I think they will. Mr. ([redacted]), my guy's not there. I just found out he's on leave this week. But there's somebody else up there and I don't think they're gonna give us any problem.

Q1: Okay, so here we've got another date...

A: I think.

Q1: ...for mandatory online training, but we don't know where he did that from. He could've done that from home.

A: He coulda done it from anywhere. I ha- usually have the soldiers (unintelligible) from home actually.

Q1: Then we have another one for July 24th, 2012, PT test, height and weight. Well, we know that didn't happen.

A: He didn't do the PT test with me on - that's July 2012.

Q1: July 29th - 28th, 29th, but we know...

A: So...

Q1: ...based on this 'cause when he came in on the 14th, and did supposedly his height and weight, he gets credit for half a day...

A: Mm-hm.

Q1: ...but he comes in here and there's no record that he was here and getting credit for anything.

Q: And that didn't happen in July 'cause it happen when he was doing the Police Olympics, correct?

A: This was - yeah, I remember him doing...

((Crosstalk))

A: ...the Police Olympics.

Q1: ...I - and I think when I talked to...

Q: Well, that's what he told you, right?

A: Yeah. Yeah, yeah, yeah, he was here.

Q1: ...sergeant - and - and Master Sergeant ([redacted] got married and had his bachelor party, said it was the same weekend as the Police Olympics, and he told me it was June, not July. So it probably was that June 14th weekend.

Q: Right.

Q1: I was trying to look online, but I'll - I'll get the dates.

Q: Yeah.

A: Well, we could look at that DTMS. Remember I was trying to pull it up? That would tell you exactly because then that would say - well, this - this should be - this should be it because I would of not put it in here like this unless it was exact. So it's ver- he came in 14 June 2012.

Q: What day is that? Is that it? That is.

A: That's when he came in.

Q1: Yeah, that's - so he ca...

A: That's gotta be the Police Olympics time...

Q1: Yeah.

A: ...because he came in civilian clothes. He was all beat up. He wa - he said he was in pain because of football.

Q1: Uh-huh.

A: Yeah.

Q1: Okay. So...

Q: That didn't happen, this one here.

Q1: ...so this one didn't happen, PT test, and height and weight in July 'cause he'd just done it the month before...

Q: In June.

Q1: ...in June.

Q: And this shows that he was doing...

A: But...

Q: ...recon training.

A: ...but you guys um, that's what I'm kinda worried about is, remember he's not like a regular soldier that gets paid. He's a soldier that's doing it for points. So there's a - I - 'cause I know he did this things, but I don't know the dates. That's why I - I can't...

Q: Well...

A: ...jump and say yeah, he did this on this date, but I can say that I know for a fact that um, not a fact, but like he doesn't...

Q: But you know...

A: ...he doesn't get paid so he has to do what's called a 1380. So if he - if he just didn't turn in a 1380, which he doesn't have to, he has a choice of turning that in or - or if he doesn't.

Q: I understand all that.

A: That's what I'm worried about.

Q: I - I'm - I'm not concerned about...

A: It's like we're - we're kinda deciding like he didn't do it, but I'm thinking...

Q: Well...

A: ...what if he did and then like...

Q: Here's - here's - here's...

A: ...he didn't turn in the paperwork.

Q: ...um, here's what we're deciding, [redacted]. Here's what we're deciding. We're deciding - I - I'm not worried about pay on our end.

A: Mm-hm.

Q: That's for you guys.

A: Yeah.

Q: But what we're deciding here is on this date...

A: Mm-hm.

Q: ... you're showing me this is what he did, right?

A: For this date, June 14th.

Q: For this date, okay? Uh, but in June he's saying on these dates he did this type of stuff. We have - it shows him (unintelligible).

A: He said he was at Camp Pendleton for 24 June, location of training.

Q: In that one it shows him as a...

A: And that makes sense, Camp Pendleton reconning 'cause that's where we do the recon for the training.

Q1: On 24 June he had an excused absence. Those are all A's.

A: 24 June.

Q1: All excused absences.

A: On drill for points (unintelligible), date of make up 20- this is the date we wanna look at.

Q: Right.

A: So 23, 24 June he's saying he was at Camp Pendleton doing recon um, and then what did you see over there, 22, 4...

Q: 23, 24 June he was absent.

A: He was excused absence.

Q: Excused absence.

A: Yes, so he's - that means he's excused from attending battle assembly, but did we have battle assembly during that weekend? So that's when we could refer to the other - like a multi-document thing we have to refer to.

Q: Sure. June 23rd, 24th.

A: Twenty...

Q: That's it.

Q1: That's the same.

A: Twenty-third, yep. That's - so what...

Q: (Unintelligible).

A: ...so looking at this, what this tells us for sure is where - and everyone's supposed to be here. When we're looking at this it's telling us he's making up the - these dates. Drill absence, no absence, drill for points only. (Unintelligible) 24 June and then we're looking at this one, it's saying...

Q: So what - what - what is this - what is this you said - what is that telling us then?

Q1: Telling us he wasn't here, right?

A: Yeah, according to the pay thing he never signed in.

Q1: Never signed in.

A: No.

Q1: He wasn't here that weekend.

A: According to this he - yeah, he didn't sign in for pay - for pay.

Q: And that's the issue that I had because...

Q1: Or points.

A: Or points.

Q: ...and that's the issue I'm having because...

A: Or points because it's an A.

Q: ...we have...

A: Because it's an A.

Q: ...on our end...

A: Mm-hm.

Q: ...time submitted as time off for those dates.

A: To be down here.

Q1: To get here.

Q: (Unintelligible) and when he's not here that's a big issue.

A: Mm-hm. Yeah, that does conflict if - 'cause that's - that coding is uh, what that means it was excused.

Q1: So if we go to - so if we go to September...

A: Oh, shoot. And that's - that's what I'm - that - this is the thing I'm trying to ex- explain to you guys that's bothering me is, where I think we're all understanding how this coding thing works and how - what's bothering me is - I hope - I hope - see, I don't wanna say something and - so you know how he - I told you guys he's doing it for points, right, not for pay. So if - he can still get an A for when he's uh, performing for points. See how there's no coding in here that says you're um, and right here, perform duty, points only. We never - we never use that damn code. We always use A. So maybe...

Q1: An excused absence is - it's...

A: No, no. And perform duty points only.

Q1: But you're saying use the A as excused absence? That's what you use?

Q: When they're doing points?

Q1: When they're doing points?

A: No, no, no, no, no. See, I - I wish I could remember in my brain and say, okay, yeah, he was here or he wasn't here, like for that drill weekend so I could be like totally perfect on, but I'm not sure. So that's why it's hard for me to say...

Q1: So I'm look- I'm looking at another one that says that...

A: (Unintelligible)...

Q1: ...he's at Camp Pendleton...

A: Mm-hm.

Q1: ...on the 15th and 16th of 2012.

A: Mm-hm.

Q1: He's re- he's actually putting in, so that's - he's gonna miss that.

A: He's what?

Q1: He's gonna miss that, right? I mean, this is - that's the, to be completed, so the RST window for this month, the date of the make up is the 15th and 16th? The actual weekend is the 15th and the 16th.

A: Excuse me.

Q1: So why is he putting a date of make up?

Q: (Unintelligible).

Q1: Shows on there on the 15th and 16th he had another excused absence.

A: Fifteen, 16 September.

Q1: It's right here, this one.

A: Mm-hm. Well, I'm looking at this date right here September...

Q: Which is the same weekend.

A: Mm-hm.

Q: So if he's putting an RST to make up...

Q1: Training for that weekend.

Q: ...why is he - why is he making it up on the same date?

Q1: On the same weekend that he's supposed to be here doing the training.

A: I'm not sure. I'm wondering...

Q: So he filled these things out incorrectly 'cause he's - he wasn't here, period? I mean 'cause...

Q1: And it says in here...

Q: ...you explain if - if I'm wrong.

A: Mm-hm.

Q: So this is the battle assembly...

A: I wouldn't do...

Q: ...uh, hold on.

A: ...I'm trying to figure out why he would do (unintelligible)...

Q: This is battle assembly weekend, okay? So I'm not gonna be here...

A: (Unintelligible)...

Q: ...I'm not gonna be here in September, right, 15, 16. So I have to put the dates that I'm gonna be here?

A: Yeah, that - no, that wouldn't make sense because...

Q1: (Unintelligible).

A: ...because 15 through 16 September?

Q: Mm-hm.

A: That wouldn't go here. That would go date of absence. That would be where you would put the 15 through 16.

Q: Right there.

A: Right there.

Q: Yeah.

A: And then date of make up is when you're actually making...

Q1: Gonna be here and make it up.

A: Exactly.

Q: Sure.

A: So I'm not sure...

Q1: So you're not gonna make up on the same weekend that you're supposed to be here.

A: They - exactly. Yeah, so that doesn't make sen- I wonder...

Q: And - and they're all...

Q1: And at the same time...

Q: ...they're all like that.

A: I wonder if he did that...

Q: How about the ones you filled out? Let me see the ones...

A: Oh yeah, yeah. I guess that's a perfect example. Well these are the older versions that I used. (Unintelligible) these are the newer versions.

Q: (Unintelligible)...

A: So he told me he was attending a law enforcement class...

Q: And that's...

A: ...on...

Q: ...(unintelligible) you looking at October?

A: ...so here's uh, here is it. Original battle assembly missed...

Q: Okay. And you got...

A: ...October 15, 2011.

Q: Okay, that's that one.

A: But he came on the 16th. I remember that. Like he came on the next day I think.

Q: Date of RST, right there (unintelligible).

A: Mm-hm, dates of RST. Yeah, that's what...

Q: That's filled out correctly.

A: That's filled out correctly, yeah. So that's - that's filled out incorrectly.

Q: These are all...

Q1: These are all wrong. They don't...

A: Well, you did...

Q1: ...we can't - you can't - yeah, you can't...

Q: He wasn't here.

Q1: He wasn't here.

Q: That's why he - so that's just another issue that we just found, right...

A: Mm-hm.

Q: ...with that. That's - those things are filled out incorrectly.

A: Yeah.

Q: He filled those - those new requests out.

A: Yeah. Oh yeah, I told you guys that. You could tell which ones I filled out.

Q: So (unintelligible) - you didn't look 'em over whatsoever, correct?

A: No, no, because - the only thing I did look 'em over is the - the comments he wrote 'cause I wanted to at least look at that, make sure that, hey, these are

legit. So - so yeah, I looked over the comments and then they were legit, that's - that's the first (unintelligible)...

Q1: Well, but even - even we figured out (unintelligible) isn't legit.

A: Well, the...

Q1: Training - training coordination engagement skills trainer, mounted combat patrol unit.

A: ...before - wh- he's done all that.

Q1: (Unintelligible)...

A: But not the dates - not the dates that correlate.

Q1: Exactly.

A: Exactly, yeah, and I - I...

Q1: I'm not here to dispute whether he did this or didn't do it.

A: Right.

Q1: We're here to dispute the fact that he wasn't here on the dates he said he was here.

A: Right, right.

Q1: Okay?

Q: And - and when he called you initially saying that there's a investigation going on, he - he told you what the issue was. They're looking at dates that I was supposedly not here at training.

A: What he said was they're saying that I wasn't at uh, his - the girlfriend or the ex- the whatever...

Q: (Unintelligible).

A: ...the girl said - was accusing him of um, doing - was it not - not doing military stuff during civilian time or something, or civilian - doing civilian stuff under military time, something like that. I don't know. Does that, yeah?

Q: Yeah.

A: Does that sound right?

Q: But you knew - you knew what the issue was, right? At that point what he told you? I mean it's pretty clear cut...

A: Yeah, yeah.

Q: ...that he's not doing his - what he's supposed to be doing...

A: Yeah.

Q: ...when he's supposed to be training.

A: Right. And I was like, what? That's crazy. I explain to him, "That's crazy, sir. 'Cause I know how much time and energy you put on your own time." 'Cause a lot of this coordination stuff I know he did on his own time because a lot of it you have to come down here.

Q: So we're gonna have to (unintelligible)...

Q1: Sergeant - Sergeant [redacted], if we look - if we go back and look it's obvious he did a lot of stuff back in 2010, 2011.

A: Mm-hm.

Q1: He was very active, very busy, 'cause that's when all the records and everything pops up.

A: Mm-hm.

Q1: What we're really questioning is last year.

A: Last year wasn't - he wasn't very active here because that's when he got approval from the commander to be at his new unit - to be working at his new unit until his transfer's complete.

Q1: When - when did he get that approval? Do you know?

A: Oh, when his RST uh, well, we could probably look at the RST dates and figure it out. I'm estimating about six months, but that's just an estimation, but remember we - I gave you his discharge date.

Q1: Well, here - here - here's what Sergeant ([redacted]) said.

A: Mm-hm.

Q1: He said he didn't really remember seeing him here after April.

A: Mm-hm.

Q1: April...

A: April?

Q1: ...is about the last time, and he said...

A: Well, we could tell by...

Q1: ...he says they have e-mail exchanges.

A: Mm-hm.

Q1: When they come in on the weekends there's e-mails going back and forth 'cause everybody's really busy...

A: Mm-hm.

Q1: ...and there's things getting done. He went back to his e-mail and the last e-mail he had was in April.

A: We - we don't even have to guess. We can actually just look at the uh, the documentation to see when he was here.

Q: That's what that shows. I mean (unintelligible)...

A: Yeah, we don't have to...

((Crosstalk))

Q: He wasn't here.

Q1: He wasn't here.

A: Yeah, we could go back to...

Q: He showed - he showed up for half a day in June to take his...

Q1: (Unintelligible) 2012...

A: Yeah, it was before that though that he was excused.

Q1: Right.

A: Before that. So I...

Q: But I mean that's fine if he's excused. There'd be no reason for him taking time off on our end.

Q1: On our end.

A: Right.

Q1: And putting in the documents saying he was here during June, July...

Q: Right.

Q1: ...September.

Q: And then they're filled out incorrectly on top of everything else that we just found out.

A: I won- 'cause you know when somebody is um, RST S when the S is coded, which means you can RST, and he's been given permission by the battalion commander to RST at new unit. Have you guys talked to his new unit to see if he was attending their battle assemblies because...

Q1: (Unintelligible)...

A: ...because that's where the documentation would...

Q1: (Unintelligible).

A: ...be if - if he's...

Q1: They're - they're - they're not very helpful.

A: Oh. Because here's why um, that's important is because if he's excused from us, yes, he's on our books, but they have to sign that 1380 I showed you guys that shows he was there for um, points or for pay, what- whatever he put in. If he's doing it for pay - if the soldier was getting paid he would've for sure done that 13 so he can get his money, but the fact that he's doing it for points is what - is what the - the - that unit has to sign for points or for pay. They have to sign that 1380, and then it comes back to us because he's still on our books. So we have to either give him points or pay or both, actually. Uh, you get

points and pay or just points, right, one or the other. In order for him to get credit for drilling at that new unit in Camp somewhere you guys...

Q1: Parks.

A: Camp Parks. In order for us to give him credit, he has to submit that to us because without that he won't get credit even though he did the training there. The reason is he's on our books.

Q: That's what I'm saying. So he wasn't...

A: So I don't know uh, if he has anything from that unit (unintelligible)...

Q: Well, it were to benefit him to turn it into you to get - to get points because...

A: Mm-hm, well, not to me, but to the S1 pay...

Q: ...but we have it here.

A: ...pay people.

Q: It's - it's not here.

Q1: Let me see it. Is there - is there anything later?

Q: Well that's what I'm saying. It wasn't submitted because it's not (unintelligible)...

A: No, he never - well, we can ask, but I - I guess their S1 Shop would know like because somebody there has to sign it.

Q1: (Unintelligible).

Q: But even if he was over there training...

A: Mm-hm.

Q: ...like we're...

A: Mm-hm.

Q: ...saying okay...

A: Well, when...

Q: ...he was excused here. He mighta trained over there (unintelligible)...

A: It wouldn't show here because these dates are for us -- for this unit. He's...

Q1: But I've already talked to them. They - the only time he was there was those two days in April - or in October.

Q: Right.

Q1: And we know where he was one of those dates.

A: Mm-hm.

Q1: Right?

A: Yeah.

Q1: So that's the training days that he should've been at the facility both days, but we know on the second day, we know where he was.

A: Okay. You guys...

Q1: But that's the first time (unintelligible)...

Q: But that's what I'm saying that that...

Q1: ...record.

Q: ...yeah, we know that he wasn't training there before. I mean his official transfer date was September 24. He could've been training over there essentially is what you're saying, but we know he did.

A: Okay.

Q: We know he did (unintelligible)...

A: They - they...

Q1: Well, I talked to them already. They're - the first time he trained with them was in uh, October.

Q: October. That makes sense 'cause that's when...

Q1: That's when yeah, we know.

Q: Yeah, that was - yeah, that - that would make sense according to when he was transferred from you guys officially.

A: Officially transferred.

Q: (Unintelligible) yeah, (unintelligible)...

A: So - so you're saying he wasn't RST over there this - while he...

Q: Not - not - not with him - not during this April to...

Q1: July - 'til September.

Q: ...September.

Q1: His first training (unintelligible) was in October.

Q: Oh, (unintelligible).

A: And it doesn't conflict with um, the time he got moved to the 4 2 5 because they said he was gonna deploy. Did he tell you about any of that stuff? He - he was scheduled to deploy and he wanted to deploy as a company - as a - with all the troops together, but being that CA Officers, there's very limited number of CA Officers. They hand select. For example two of my - captain - two of my officers um, are being hand selected to deploy without their company um, and he was in that boat and then he made (unintelligible) a big fuss with uh, our colonel saying, "Hey, look. They transferred me," and our colonel got upset too -- the big guy because without even talking to the big guy like without talking to the chief of police they just take your guy and they put him at another unit. That's what happened to Captain Pennington. So I don't know if those dates are missing because of that part where he was literally grabbed - his name pulled. There was a few people that happen to.

Q1: Right, but let me (unintelligible)...

((Crosstalk))

Q1: If that was the case then he wouldn't need to make up all these papers...

A: Yeah, that's...

Q1: ...and have you sign 'em because he would have actual documentation from where he was.

A: Right. Well there would be documentation like the transfer paperwork.

Q: That's what I'm saying, but he wouldn't have to do this.

Q1: He wouldn't have to do this...

A: He wouldn't have to do this.

Q1: ...because - because...

A: Did he do this just to like cover his ass? Is that what...

Q: What do you think?

A: Se- I - see...

Q: Give - I mean...

Q1: (Unintelligible) opinion.

A: ...you - here - here's - here's my opinion. Just because I know the guy from his work ethic, from um, I...

Q: (Unintelligible).

A: ...I've been in the military like about 14 - 14 years...

Q1: Uh - uh, we're not talking about what you know of him. I'm talking about what you've seen. What we've shown you...

A: Yeah.

Q1: ...the documentation and what you see on all this paperwork.

A: Yeah, what I...

Q1: Your professional opinion. I don't want your personal opinion...

A: Okay.

Q1: ...of Pennington. I want your professional opinion.

A: Okay. If - if I didn't know the guy and it wasn't personal, it was just professional opinion, I would see this as - because of the dates miss matching and stuff, that's what I'm - now it's like, whoa, what's going on here? I would see this as because of the IA investigation, I think he might be trying to show

some kind of proof that he was present, you know, at the uh, dates that he put, but at the same time because he doesn't have that 1380 um, that's what - that - that - I think that's what's biting him in the butt because he has the option. That's the sad part. He has the - and he didn't and maybe he should've then he woulda - we wouldn't have to wonder 'cause that 1380, if he woulda just submitted that for points, but it has to has a lieutenant colonel's signature which is hard to get. Uh, if he would've done that and they matched up, then he woulda been clear from all this, but the thing is, what I'm wondering - I wanna ask him so bad right now is, that 1380, did you plan to do it later? Why didn't you turn it in?" Because he could still get those retirement points 'cause those - those matter, but he didn't do those 1380's that I'm aware of, unless he turned it into his new unit. See, that could be it, too, 'cause he - he wasn't with us. So it's possible he turned in those...

Q1: You can't turn 'em...

A: ...1380...

Q1: ...can't turn 'em in because these aren't real.

A: Mm, that's...

Q: When he didn't do the training he can't turn 'em in.

Q1: When you can't do - when you don't do the training you can't turn in the 1380 'cause you know you're gonna get caught, and now you're gonna get your butt in a wringer with the military.

A: Mm-hm. Mm-hm. So I wonder - I wonder what happen. Just hard for me to believe that he would make up any of it, just - just because I've worked with him, it just doesn't seem like him at all.

Q1: Anything else?

Q: Think that's it.

Q1: All right.

Q: (Unintelligible) do you have anything else to add?

A: Well, little surprised.

Q: Okay. We appreciate your time. Um, we're gonna be going off record. Time is uh, 10:13.

This transcript has been reviewed with the audio recording submitted and it is an accurate transcription.
Signed_____

INTERVIEW WITH KYLE PENNINGTON
Q=Det. [redacted]
Q1=Det. [redacted]
Q2=[redacted]
A=Kyle Pennington

Q2: I don't know when I'll learn to either carry a smaller purse or not to fill everything up to the top. One of these days. And just so you know, I am on call for shootings so heaven forbid something happens and there is a shooting. So they may pull me. Let's just hope there's not.

Q: Okay. Sir.

A: Thanks. How are you?

Q: I'm Detective [redacted]. This is Sergeant [redacted]

Q2: Hi.

Q1: Hi.

Q2: How are you?

Q1: Good. How are you?

Q: Okay. Okay. You already know who I am. I've been tasked with investigating ah, possible criminal allegations. Ah, I can tell you the allegations are of a domestic violence nature. Um, however there is also one allegation of sodomy ah, during some sort of domestic violence nature. So that's why we're here. Um, I know that there's more than just one side of a story.

A: Mm-hm.

Q: Um, so I - I'd really like to hear it from you. I don't know, you know, obviously again, there's more than one side to it. We know that. But it is what it is. So I've got to read you your rights.

Q2: Before we do that, can I step outside with him for a minute?

Q: Sure.

Q2: Just for a brief second. Because part of that obviously we weren't expecting.

Q: Okay.

Q2: So. We'll just be one second.

Q: Okay.

Q1: Hello. Good. How are you? (Unintelligible) sir.

Q2: All right.

Q: (Unintelligible).

Q2: And I'm trying to record, are you guys recording?

Q: We are recording.

Q2: All right. They have actual technology.

Q: Yeah.

Q2: Okay. I'm going to turn this on unless you have objections.

Q: I'm okay with it.

Q2: Okay. Thank you.

Q: Okay. Are we ready?

Q2: Yes.

Q: Okay. You have the right to remain silent. Do you understand that?

A: Mm-hm.

Q: Anything you say may be used against you in court. Do you understand that?

A: Mm-hm.

Q2: I need you to verbalize.

A: Yes, yes.

Q: You have the right to an attorney prior to and during any questioning. Do you understand that?

A: Yes.

Q: If you cannot afford an attorney one will be appointed for you before questioning. Do you understand those rights?

A: Yes.

Q: Okay. Do you wish to talk to me about what happened?

A: Yes.

Q: All right. Why don't you tell me the story or what's - what's your relationship with is it ([redacted]) or is it [redacted]) or?

A: ([redacted]).

Q: Okay.

A: So um, probably in I believe it was the beginning of May of ah, of last year um, well previous to that my - my - my marriage had gone to shit and my wife - ex-wife and I had separated. And ah, um, was kind of living couch to couch for a little bit. Um, and I met her and started dating her during that period of time. Um, and then our relationship just progressed to the point where um, I really didn't have a place to stay because my ex-wife was staying at my house in - in Sanger. Um, so I started staying pretty frequently at her mom's house. She had a house over off of like Temperance and Shaw in that area. So I stayed frequently over there just because I really had no other place to go.

Q2: Who's mom's house, ([redacted])?

A: [redacted]s mom's, yeah. Um, ah, our relationship continued to progress. Everything was - everything was good. I didn't - she seemed like a- a normal girl, you know. Um, she has a - she has a son that's around the same age as my son so they got along good. It was ah, it was pretty good for a long period of time.

Q: What's her son's name again?

A: ([redacted]).

Q: ([redacted]). And your son's name?

A: [redacted] -- [redacted].

Q: [redacted]?

A: [redacted], yeah.

Q: Okay. Okay. Um, so that went on ah, for probably I don't know, 2-1/2 or three months or something like that. And then ah, her mom decided to move to Portland. And ah, when she did so, ([redacted] was working as a waitress not making a lot of money and planned on going back to school. Um, at that point I thought that our relationship was gonna be good and I was really trying to make it work, seeing that it was the first thing I had been involved with after my failed marriage and stuff like that. Um, so I asked her, you know, if - if she wanted to move in with me because I was - I was looking to, you know, rent a place um, soon thereafter. Um, she said that she did and ah, and then we rented a place with both of our names on the lease. Um...

Q: Where was that at?

A: Um, that's over here at Herndon and Fowler.

Q: Okay.

A: And then ah, we resided there for probably...

Q: When did - when did you move in there?

A: Um, I think July or August timeframe.

Q: Okay. Of last year?

A: Mm-hm.

Q: Okay.

A: And we moved in there and ah, everything was ah, everything was good um, for the most part. I mean there was ah, there was a couple instances. She - she's - in my opinion she's kind of naïve. She's a young girl. I think she's 24 years old. Um, and she had a lot of trust issues that stemmed from previous relationships that she had been in. And she kind of held me accountable for those from time to time, so much so like she questioned things I was doing at work all the time or having to go in to work or work this shift or that shift, or

whatever the case may be. Um, and it just progressed worse and worse and worse. Um, and there was several arguments stemming from just that. Um...

Q: Trust issues that she's had with you.

A: Mm-hm.

Q: Mm-hm.

A: And, you know, it - it just got to the point where it was becoming - it was becoming like my marriage was before my marriage dissolved. And I got to the point where A, I didn't want to take the chance of having an argument with her in front from my son, because I just don't do that ever. Um, and I said, you know, enough's enough. Um, and ah, you know, and - in January, this past January she took off. It was like toward the early part to middle of January. She took off to - to San Diego to visit her sister for a while. And ah, really wasn't in contact with me so much. Wasn't answering my phone calls, returning my text messages. She came back and upon coming back she moved in with her dad. Ah, when she moved in with her dad it was more of the same rule, kind of hit and miss as far as communication was concerned.

Q: So she had moved out of your place?

A: She physically picked up ah, some of her stuff, some of her son's stuff and then relocated to her dad's place.

Q: And that was her doing?

A: Mm-hm.

Q: You didn't tell her?

A: No.

Q: Okay.

A: No. Not at all. Um, at that point I was still trying to make this relationship work. Um, you know, kind of having the - the failed divorce on my - on my conscience and all the stuff that I had to go through with that, you know, I just didn't want another failed relationship that - that soon, so I was still trying to make it work. I probably called her and - and ah, continued to try to make it work for probably about two weeks or so. To the point where I said, you know what? Enough's enough. I'm - I'm not gonna chase this girl around all over the place, figuratively speaking. Um, and ah, I said, you know, okay.

I'm moving on with my life. So I moved on with my life. You know, about ah, two weeks after that I met another girl and started dating her.

Q: So are we now still in January or are we in February now?

A: Ah, probably in February. I don't know.

Q: So in February you moved on?

A: Yeah.

Q: To a different girl?

A: Yeah, it was probably...

Q: And her name is?

A: Her name is ([redacted]).

Q: Okay.

A: Yeah, it was ah, Super Bowl weekend, or the week after Super Bowl is when I started dating ([redacted]).

Q: Okay. And are you still with ([redacted])?

A: Yeah.

Q: Oh okay.

A: Still with her now. Everything is - everything is going good with that. This all came to a head, um, I, you know, I started dating ([redacted]) and ah, ([redacted]) would still contact me from time to time. And finally there just came a point where, you know, I spelled it out to her on the phone. I said, "Hey, I don't want anything to do with you. I'll be completely cordial and nice about you getting your things back. I'll help you move them to wherever you want me to take them. Just let me know."

Q: Mm-hm.

A: "You know, I'm not trying to make a big deal out of this. And ah, I just - I don't want anything to do with you. You know, this - this relationship is - it's putting me in a bad situation in a lot of different ways. And ah, I just don't want anything to do with it anymore." And she said, "Okay." And then two days later - two days later ([redacted]) and I had gone to the Shop and Go and

Nees and Fowler to get a breakfast burrito in the morning and we ran into ([redacted]) just by chance there, and she became hysterical, started flipping out, yelling and screaming and stuff like that. And I've been there while - while working before, you know, so I took it outside and I tried to talk to her. And I said, "You know, I'm not gonna do this. I'm not gonna argue with you in this setting. Um, you know, just leave me alone. I don't want anything to do with you." And she didn't leave me alone. She was insulting ([redacted]) at that point. She was insulting me at that point. So we got in my - we got in my vehicle and we left. And ah, ([redacted]) proceeded to drive to my house and park in the driveway where she remained for probably four or five hours, hysterically crying. I pulled up there and I got out and tried to figure out what was going on. She said that she wanted to pick up some stuff. Um, I was trying to identify what exactly she wanted to pick up so I could go inside and bring it out to her because I didn't want her inside the house. Um, which brings up another point. Probably a week before this...

Q2: Finish that point before you get off track.

A: Um, sorry. Um, so she wanted to go into the house.

Q: Did she still have stuff there?

A: Um, she still had some stuff there. She's - she's moved three - three times she's been over there and loaded - I've actually helped load up the trucks and take her stuff away. Um, and the last time she did it she was very bitter in doing it and I said, "Hey, you still got stuff in boxes here." She's still got a refrigerator there. Um, I said, "Just give me a heads up. Just give me a day heads up or something. I'll clean out the refrigerator and I'll have it in the garage waiting for you to pick up. I have a refrigerator. That way I'll load it up for you, you know." But then this - this whole thing came about so I haven't heard from her since then. But that day she became real hysterical, flailing around on the garage floor um, making a huge spectacle. I had neighbors outside that witnessed all this. Um, and ah, finally I said, "You know what? I'm going to close the garage. You can wait in your car." I went outside. I called her dad. I said, "Hey, you need to get over here because you know, something - something is not right with her." Um, her dad said he was on the way over there and ah, and then I left. Um, I left for I don't know, three or four hours and when I returned she was gone. Um, after that whole thing had taken place I talked to my neighbors and they said that she had sat in her car. I have an extension cord that runs underneath the garage to plug my patrol car into. They said she got the extension cord and plugged it into her computer and was doing stuff on her computer while parked in front of the house and that um, she left her car on and her battery died and she had to ask the neighbor to jump her car and was this - and was this huge deal, but that her dad showed up and she had left. But what I was going to say previously is ah,

probably a week before that um, this is after I told her I didn't want anything to do with her anymore, twice she had come - she had keys to the place um, and she had come into the place while I wasn't there and - and destroyed a bunch of property of mine that was - that was in my bathroom. Um...

Q: What kind of property?

A: Ah, bottles of cologne, toiletry type stuff, just smashed them on - on the floor. Um, and then there was a ah, there was an instance where I don't know the date. It was in between when that happened and when she showed up when - when I saw her at the Stop and Go, where ah, she had sent me a text in the morning. She - she moved - at this point she made me aware that she moved from her dad's place to somewhere in the foothills. Um and I didn't - I don't know exactly where it's in the foothills. Um...

Q: Have you ever been there?

A: Once I went there. And it's after this. Or maybe it was - maybe it was before this. I'm not - I'm not for - it was probably before ah, she showed up at my house during this - during this instance. I couldn't tell you how to get there to be honest with you.

Q: Okay.

A: Um, it's a bunch of dirt roads you have to take and had to guide me in talking on the phone to get there. But she was living up there and she had sent me a text message um, saying - saying that you know, to look after her son in case she wasn't around or something to that effect. And ah, I called her back all day that day, texted her all that day to try to get clarification on what exactly that meant.

Q: What did you take it to mean?

A: Um, I - I don't know to be perfectly honest with you. Um, she had never said something like that before in the past. Um, I took it to be pretty serious but I didn't know where she lived either. I didn't know where she was. I didn't know if she was up there or whatever the case may be. So it wasn't until that night she showed back up at my house without any notice or anything and she was - she was crazy. She was flailing around all over the place and she - she was flailing around all over the place arguing with me. And she told me that she had taken 10 or 12 Xanax that she had got from her - her mom. Um because she...

Q: Make sure we - what time where we're at. Is this February or March?

A: This is gonna be in February. Yeah.

Q: Okay.

A: Probably early February or late January.

Q: Okay.

A: Um...

Q: Ten to 12 Xanax.

A: Yeah. She said 10 or 12 Xanax and that she had passed out all day and that she had just woke up. In backing up while we had lived together on a couple of occasions I found a prescription bottle of Xanax with her mom's name on it and I had asked her about it, and she said that it was just difficult dealing with - dealing with the kids and that she had asked her mom to mail her some Xanax and I told her that, you know, I don't want to be around that type of stuff, that I didn't want to - I don't want to see that in - in the house that I lived in. And ah, the two times that I had to have a conversation with her it went away. I don't know if she had thrown them away or hid them from me or whatever the case may have been. Um, but - but that day she was just - she was out of control and I told her that, "Hey, I'm not going to deal - deal with you in this state. I don't think you should drive anywhere. Um, but I don't want you here at - at all." You know, so she went to get in her vehicle and leave and ah, and she left. We had a couple of telephone conversations while she was driving back to wherever she was staying in the foothills. And ah, she just - she wasn't right. A couple times she had to pull over on the side of the road because she was hysterical and - and stuff like that.

Q: Okay. Okay, um, let me get into a couple of situations that she brought up.

A: Mm-hm.

Q: Um, this was probably the end of July, ah, kind of early August when you guys first move in.

A: Mm-hm.

Q: There's an incident where um, again there's this trust issue thing that you talk - that you speak of.

A: Mm-hm.

Q: And she says that she takes your cell phone from you.

A: Mm-hm.

Q: Do you remember something about that?

A: Mm-hm. Yeah.

Q: And then there's kind of an argument, and you're like, hey, give my cell phone back.

A: Mm-hm.

Q: Which rightfully so. Um, what happened that time?

A: She took my cell phone and my keys from me on several occasions.

Q: Okay.

A: Um, I don't know if this is the one you're alluding to but it was probably the most significant because my son was there.

Q: Mm-hm.

A: Um, and she had taken my stuff from me and we - we had argued about this trust thing because she - she thought I was having an inappropriate conversation with - with a female from my past and that wasn't the case.

Q: Mm-hm.

A: Um, and I said, "You know what?" She was hysterical that - at that point. She was yelling and screaming at me. My son was there. I said, "I'm - I'm not putting up with this in front of my son, period. Like, give me my stuff." And she - she had taken my - my phone and my keys and actually hidden then from me at that point. So um, I - I searched around the house for the. Um, to - to the best of my memory she continued - she was trying to stay in my way not to allow me to leave the residence. Um, she went to a different room at some point and I grabbed my son, ah, put him in his running stroller and we left. And ah, and I took off with him on foot without my - my cell phone and keys and I went across the street to the ([redacted]) and I used the pay phone there where I called my mom who was in Sanger, and told her we needed to be picked up. My mom drove out and picked us up. And then we went back - we went back to Sanger.

Q: Um, okay. She's alleging that ah, sometime during this - this argument she has the phone. She has it with her. You kind of run and chase her down, and

now you're in the kitchen. She has it like this on top of her, and you're on - she's on the ground now. And you're on top of her from the back like trying to grab at it.

A: Mm-mm.

Q: Do you remember that?

A: Mm-mm.

Q2: You have to verbalize.

A: No.

Q: Okay. Um, she's also alleging that you're constantly grabbing. She has like a little scar right here on her - her hand that she's alleging from rug burn and from you grabbing at her hand at that time. Do you remember that?

A: No, but no. There - there was a couple of situations where she would have had my - my keys and my phone. This - this happened on numerous occasions too so I don't even know if we're talking about the same one. There was numerous occasions where she would have my phone and my keys. Um this is separate for the - the one that I just described with my son there. And, you know, I would try to grab my phone. And there - there would be kind of a - a tussling back and forth. Never on the ground and in the - I don't have carpet in the kitchen.

Q: Mm-hm.

A: Um...

Q: And she said it was hard wood.

A: Okay. So it was - it was tussling back and forth for - for the phone but it never ended up with me being on top of her or anything like that.

Q: Um, and she's also alleging that at one point you head butted her like on her back ah, and was it the knee or was it - the kick was a different deal.

Q1: Yeah head butting to try to...

Q: Yeah head butting trying to get her to - just to knock - basically you knocked her breath out.

A: No I - before it would come to that I would just leave. The time with my son happened - happened previous to this time and that was kind of an eye opening experience to me where I, you know, I was like if she's going to - I'm not going to be involved in an argument that turns physical, number one. I'm going to separate myself from the situation. So um, in - in those instances if I couldn't get my phone back, you know, right away from - from her grasp, I - I would just leave. I would - I would take off walking or go somewhere.

Q: Okay.

A: Or ask her to leave.

Q: So did you ever head butt her in the back?

A: No.

Q: Okay. Um, during several arguments she alleges that ah, you would not let her leave the house or you would not let her leave a specific room. That you would go physically and bar yourself, prevent her from leaving. Did that ever happen?

A: There was one occasion where she was intoxicated and I didn't want her to leave the residence because she was gonna drive. So um, I stood in the hallway and I was telling her, "Hey, think about this real quick. Think about - I understand you're - you're hysterical and you're upset and you don't want to talk to me right now, but just think about things in the bigger picture here, okay? Don't get in your car and drive off. Call somebody to come get you or I can leave."

Q: Mm-hm.

A: "You know, it's not a problem. I'll call one of my friends to come pick me up and I'll leave."

Q: Mm-hm.

A: And she was persistent on pushing me, on hitting me, on trying to get around me at that point and I wasn't going to learn it- let it turn into anything - anything bigger than that. So on those occasions I would let her go and to the best of my knowledge she would go sleep in her car somewhere.

Q: Okay. So you're saying there was one occasion where you did block her but it was for her safety?

A: Absolutely.

Q: Okay. Any more than that?

A: No.

Q: Okay. There's a different incident that comes up. Ah, you guys were arguing in the house. And um, you're pretty upset. You start - she says you're flipping out by turning over furniture, the bed, stuff like that. Ah, even pointing to one part where you actually threw the bed and stuff outside into the garage where she is able to get out and leaves, and goes around the corner to a friend's house. Do you remember this?

A: Mm-hm. Mm-hm.

Q: Okay. What happened that night?

A: She was intoxicated that night. Um, and ah, I don't remember what we - we got in an argument over. But it was a heated argument um, kind of as usual. And ah, and she wanted to leave. She wanted to leave and go to a friend's house. It was a guy um, around the corner because of us arguing and stuff like that. She left and I told her that, you know, if she leaves on this occasion that that's it, that I'm not going to put up with her stuff anymore.

Q: She told you she wanted to leave to go this guy's house?

A: Yes.

Q: Okay.

A: Yes. And so um, at that point we had this - we had thee apps on our phones. On my phone I could see where she was at and vice versa. So she left and I looked at the app and I saw that she was at that house. And I said, you know what? I'm not dealing with this anymore. Enough's enough. So ah, I took the bed apart and put it in the garage.

Q: Okay.

A: And then began moving my dressers - or her property into the garage.

Q: Okay.

A: And I believe I took a picture of it and I sent it to her. And I said, "You know, this isn't gonna work. Something's got to give. Either I'm going to leave or you can leave."

Q: Okay. Anything else happen that night?

A: Um, of course I wasn't comfortable with her being at that house with these - these people that I didn't know. So I um, I had gone over there and ah, noticed the TV and some lights were on.

Q: What time was this?

A: Um, maybe 12:30 or 1:00, something like that.

Q: Okay.

A: So I got...

Q: In the morning?

A: Yeah, so I knocked on the door and a gentleman answered the door and I - I said - very calm and collected I said, "Hey, I'm just trying to establish or I'm just trying to figure out if - if my girlfriend is here because I'm worried about her safety. I want to make sure that, you know, she wasn't here and didn't leave her phone and took off somewhere else or something like that um, because she had a lot to drink. Um, I'm worried about her safety." And this guy gave me some story about he didn't live there, and he lives there, because he's my neighbor and I see him there all the time but. Um, he gave me some story about not living there. And I said, "Hey look. If she's here, she's here. I'm not going to be crazy with you. I - I just - I want to know if she's here. So I'm - I'm just concerned for her safety bigger than anything else." And he said that he would check, and he went inside and he came back to the door and said, "No, she's not here."

Q: How old was this guy that you were talking to?

A: Um, probably 40s or 50s.

Q: So it was like the homeowner then probably.

A: I don't know.

Q: Okay.um, so that was the first instance. Did you go back again?

A: Um, I went - I went back to - to see if the lights had been turned on or off. And I noticed that the lights were turned off after I left. Um, I didn't knock on the door again or anything like that. I didn't even go on that - that side of the street. There's a park across the street. So I was just o-observing the - I walked by and stopped at the park and looked and I saw that the lights were

off at that point and then I returned home. And ah, at that point she began texting me. And I said, "Hey, you know are you in this - you're in this house." And she said, "Yeah, I'm in this house. "Well, you know, that's funny because I was just there and the guy says that you're not there." And a childish argument ensued and ah, to the point where for - for whatever reason I wanted to prove or disprove that she was inside that residence. So ah, I began walking back in that direction and that's when I found her walking down the street back towards our house.

Q: Okay. Anything physical happen that day?

A: No.

Q: No - nothing grabbing, nothing?

A: No.

Q: Okay. Um another instance where you guys are having consensual sex. This is where the sodomy comes in. You're having consensual sex and um, she's saying during ah, during sex she's kind of in a position where she's ah, on her hands and knees basically or on her elbows and knees or whatever. You're having sex and at one point your penis goes - comes out and goes into her anus and she tells you no, but that you kind of are pulling her back and saying to just handle it. Did anything like that happen?

A: No, any time I had any sort of sex with her as very consensual. It was very consensual. She um, there was probably four or five occasions where we did have sex like that and it was - it was consensual.

Q: Okay.

A: Um, to the point where the first time that it happened I, you know, I asked her if she wanted me to stop and she said, " Yeah, stop for a second." So I stopped and I didn't pursue it any further. And them um, she would talk about it all the time. She said it was something that she wanted to do with me and so we tried it again. And, you know, during that - during that time she said, "Stop it hurts," and I said, " Okay," and then I would stop.

Q: Okay.

A: You know? And - and that was it.

Q: So anytime she told you to stop, you stopped?

A: Absolutely.

Q: Okay. Um, there was another time where you actually go to this house that's in the Foothills are the place that you're talking about.

A: Mm-hm.

Q: So you - you had been there once?

A: Once.

Q: Uh, and this was toward the end, she - she - she said this is - again, I - I guess it does fit your timeframe around Februaryish where it's - it's now over and, uh, you had gone up. She said that you had been - you had several drinks. Uh, not there, but I guess she could tell that you were under the influence. You had gone up there. There was an argument. Um, and at one point you, uh, grabbed her and started to throw her on the bed and, uh, was trying to take her - her pants off to have sex with her. Do you remember this?

A: I remember being up there, I don't remember it happening like that.

Q: What - what happened?

A: Uh, we were talking back and forth and it...

Q: Was it - was - were the roommates there or anybody there?

A: Um, I had passed the - the dude who apparently owns the house.

Q: Mm-hm.

A: You have to take a series of dirt roads to get to the place.

Q: Mm-hm.

A: And, um, uh - and one of the forks on the road there was this guy with this huge horse trailer.

Q: Mm-hm.

A: And, uh, you know I'd driven past him, and driven back down and he flagged me down and asked me what I was looking for. I told him the address and he said that, that was his place. He said - he asked me what I wanted there. And I said well you know I was looking for ([redacted]. And he goes oh yeah, it's - it's right up here - it's right up this way. Let me get my truck out of the way. So he moved his truck and then I - I went up in that direction.

Q: Okay.

A: Uh, we got there and everything was good. I mean I - I thought there was an understanding that our relationship was essentially over and - and - and she...

Q: What - what'd you go there for?

A: Uh, sex probably.

Q: Okay.

A: You know? Uh, I - and that was established I think in - in conversation previous to me going up here. And so, um, I - I get there and we - we kind of talk about a couple of things. I think we laid down, we - we had sex. And then, uh, she - she took my phone at some point. She was going through my phone again. At that point I didn't have anything - nothing to hide in my phone. So I let her go through it. And I said well if you're gonna look through my phone, I'm gonna look through your laptop. And then it became a big deal, she didn't want me looking at her laptop. Um, I, uh - I pushed a button or messed with the little finger mouse thing and there was a picture that came up and there was a picture of - of me on - on her desktop and I - I never recalled taking that picture. So I wanted to, uh - I wanted to look into that a little bit further. And I - I was - I had the laptop and I was looking at it and she was trying to grab it from me and so on and so forth. And, uh - and I took it into the bathroom. In the bathroom I looked at it and there was a picture of me I was just sleeping, that she had taken. And, uh, I opened the door, gave her the laptop back. I said you know what this is weird. Uh, this isn't worth it to me. I don't - I don't wanna put myself in this type of situation. Uh, I was not intoxicated at all that night. I had absolutely nothing to drink.

Q: Okay.

A: Um, and at that point I left. I went outside and, um, I - I got - I got in my truck. I sat there and I thought for a second, I'm like you know I don't wanna - I don't wanna - I don't wanna be involved in something like this. Like this girl meant a lot to me. I loved this girl at one point. I brought her and her son into my life and I took care of them. You know, I don't think it's right for me just to travel to wherever she's at and have sex with her and leave. So I went back in to - to apologize and kind of explain that to her. And, uh, she was kind of sympathetic to it. She said that she was sorry as well. And, uh, you know, at - at that point you know I - I told her that I hadn't been talking to any other girls. I wasn't trying to get into another relationship. I wasn't 100 percent over her at this point. And that our relationship meant a lot to me because of my - my divorce. And I - you know, invested a lot in - into her and you know,

bringing her and her son into my life and taking care of them and all that stuff. And, uh - and - and you know I asked her if - if she had moved on. And she couldn't answer the question. So it - I kind of got upset at that and I tried to leave again. And this time when I left she was grabbing onto my shirt, trying to keep me inside the house. And, uh, you know, I just made my way to the door and I got in my truck and I - and I left. And then she texted me the whole way I was driving home to be careful and to drive safe and - and all this other stuff and that was that.

Q: Okay. Um, she's alleging that, again, you had put her down on the bed and then you're grabbing at her pants and you ripped them in the crouch area. Do you know anything about that?

A: I don't recall that happening on that instance. It happened before on some other instances, consensual.

Q: Okay.

A: Um, where that - that was something that she liked, you know? And she had told me that and...

Q: Because she produced a - a pair of pajama bottoms basically...

A: Mm-hm.

Q: That - that are ripped in the crouch area.

A: Okay.

Q: What - what's the story behind that?

A: It could have happened on one of the other occasions, where I either ripped her pants or her - her underwear. Um, she had told me that - that was something that she liked. Um, it happened on one instance when we were out of town. It happened a couple times while we were at the, uh - at my house.

Q: It didn't happen up there that night?

A: No.

Q: Okay. But you're telling me if it did happen, it was consensual and...

A: Absolutely.

Q: Okay.

A: Absolutely.

Q: Okay. Um, there's another time where she alleges that you got into an argument and you kicked her - uh, and this is somewhere - this is somewhere around Christmas or there's a time where you - she had to go do, um, some modeling thing or something like that, some party where the two of you went to around Christmas time or - or around New Year's or around that time. Um, and she had several bruises and she had to cover them up. And everybody kept asking about that. Do you remember that?

A: I remember her having bruises, because she plays soccer.

Q: Okay.

A: She plays on several different...

Q: She alleges that you actually kicked her, like forcefully kicked her in her - in the - in her leg (unintelligible) her down.

A: I - I've never punched her, I've never kicked her, I've never struck her by - by any means whatsoever. I don't - I don't do that.

Q: Okay. You do remember (unintelligible). So she said something about having some pictures, uh, of some bruises that were covered up. Um, and - and again this is at some party or at some modeling thing. Do you know this modeling thing I'm talking about?

A: Yeah, I know what you're talking.

Q: Okay.

A: And - and she plays soccer in a couple different soccer leagues. She was always banged up, she always had twits and swollen ankles and bruises all over from - from that. And honestly, um, when this - when this thing went south and this became very sour she -she's actually told me that, you know - that she purposely takes pictures of these bruises and stuff like that and that she wanted to use them against me. That she was gonna use them to expose me, is what she said.

Q: When did she tell you that?

A: Um, it was from one of the arguments towards the end. It could have been the - the one where she came over and was high on Xanax. Um, I don't remember specifically. But it was definitely towards the end. It could have

been the day we argued that - at Shop N Go and then she came over to my place. I'm not specifically sure. But she - she's definitely made - made that threat to me before that she was gonna use pictures of bruises and she was gonna allege that I did a bunch of stuff to ruin me, to ruin my life and to make things hard on me.

Q: Okay. And this was after that last conversation that you had at - at her place then? When you kind of - when it was kind of at the end there?

A: Yeah, that - that happened previous to her coming over to my house...

((Crosstalk))

A: That happened previous to the Shop N Go incident.

Q: When you say that, we're talking about her telling you she's gonna ruin you?

A: No I thought you meant the - me going to the Foothills.

Q: Right, okay, so that - you going to the Foothills happened previous to those things?

A: Mm-hm.

Q: Okay. So where did her telling you that she was gonna ruin you, was that prior to her showing up at your house?

A: It was probably right around that same timeframe.

Q: Okay. Of her showing up and sitting in your driveway. You said there were some neighbors that watched that and - and kind of saw those things. Do you have the names of those neighbors?

A: Uh, the neighbor that lives immediately to myself, his name is ([redacted]).

Q: Okay. Anyone else?

A: Um, there's a neighbor that lives across the street, he would know his name, I don't know his name. He's - he's an Asian gentleman. But they were all outside during the whole thing. The ([redacted]) guy was in his - in his, uh - in his garage working while - while the whole thing was happening.

Q1: It - it was in the garage - inside you were describing?

A: Mm-hm, yeah.

Q1: Which is (unintelligible).

Q: Was anybody ever else present? Uh, and there's, uh, one other deal. You - you had a roommate at one point?

A: A guy.

Q: At - was living at this house with you?

A: I had, uh, a buddy of mine from the Army who was in between places who stayed with me for about a month.

Q: Okay, what's his name?

A: ([redacted]).

Q: She described a time when he was there, uh, it was - and basically was that like her kid's room or something or - uh, it - whatever the room that he was at just she was kind of like upset that you basically were lying about this guy and him basically moving in or...

A: Mm-hm.

Q: Do you remember that?

A: Not specifically, but...

Q: Okay, she - she alleges that you had gotten crazy at that point and like broke a door or...

((Crosstalk))

A: Um, I did break a door.

Q: Okay.

A: And, um, what happened on that - that was, um, immediately following the two instances where she had come over and gone in my bathroom and - and - and - and broken a bunch of my stuff. Um, I cleaned up that mess and, uh, had replaced the stuff at that point.

Q: How much did that stuff cost you about?

A: Um, it was probably two bottles of cologne and then, um, uh, there was some hair clippers that were broken, it - it was just toiletry type things.

Q: How much?

A: Uh, maybe - maybe $200 total.

Q: Okay.

A: Um, and so my friend ([redacted]) needed a place to stay. She had gone over and removed - her son and my had shared a bedroom, um, while we lived in this place. And she'd gone over and removed all of her son's stuff from that room and moved it into her dad's place, I'm assuming. Um, and she had come back over, uh, 'cause we were gonna talk about things or whatever she was doing there. And, uh, within that time she walked into the room and she saw that I had taken my son's stuff out and moved it into a different bedroom, which was previously, the little office space. And taken the office space and moved it into a different room. And she became upset about that. And she took off running down the hallway and went into the bedroom and locked the door behind her. And at that point I was thinking look I don't wanna deal with her breaking more of my things. She's already out of this house. Uh, I jiggled the door and pushed on the door and, uh, it - it was obviously locked. So I pushed on it to the point where the - the - it - it's a (unintelligible) door, so the - the locking mechanism kind of twisted and the door opened. And then, uh, I was able to go into the bathroom. I say hey, look I don't want you damaging my stuff anymore, I'd just appreciate it if you left. I just want you to leave. I - I don't want you in here breaking anymore of my things, you've done it twice now. And - and enough is enough. Like you're putting me in a bad situation.

Q: Any hands or anything like that?

A: No. No.

Q: Uh, she also alleges hair pulling - you pulled her by the hair...

((Crosstalk))

A: I've never hit her, I've never kicked her, I've never pulled her by the hair, nothing, (unintelligible). If I had any contact with her it was when I was trying to leave and I was trying to get her out of my personal space.

Q: Okay.

A: On the, uh - on the allegation that she's making during the time of the - the modeling thing or whatever, uh, that was - that was while I was - uh, I was on Workman's Comp injury and I had 70 cc's of fluid in my knee. And I could barely stand up, let alone, you know wrestle or head bunt or kick or punch or pull hair or - or do anything to that effect.

Q: Okay.

Q1: (Unintelligible).

Q: Yeah. Her car?

A: Mm-hm.

Q: Door handle broken. She's alleging that you did it and her son was there and saw the whole thing.

A: Yeah.

Q: What happened there?

A: Um, that was - that was one of occasions where we had, had an argument. I believed her to be intoxicated, although she denied it. Not only did she leave that - at that point, but she loaded her son in the car to leave at that point. I didn't want her to go. She rolled up the window, she'd got in her car. She was backing out of the driveway and I reached to grab the door handle to - I - well I wanted to talk to her, I wanted to stop her from - from driving, for her and her son's safety. I reached and I grabbed the door handle. She continued backing up and the door handle broke (unintelligible).

Q: Okay. So you did break it, but it was, if I'm hearing you right, you were concerned for her safety.

A: Absolutely.

Q: 'Cause you didn't want her driving her son...

A: And her son - and her son's safety. Yeah, I didn't want her driving.

Q: What happened after that happened?

A: They - they left.

Q: Okay.

Q1: When you say intoxicated, Xanax, alcohol?

A: Um, probably alcohol at that point.

Q1: Okay.

A: I don't know.

Q: Where did it happen at?

A: That happened in the driveway.

Q: Of?

A: Of the place (unintelligible).

Q: Okay.

A: I - I don't know of all the situations where she would have been under the influence of Xanax. I know the one situation where she came over to the place and she said that she'd taken ten or 12 or whatever was left in the bottle. Um, and then there was two other instances where I found the bottle. Where she was real antsy to go get the mail. And she went and got the mail and had this package and I was like what is that? She said well my mom mailed me this prescription. I go it's not your prescription. You don't need it, you know? I said go to the - if - if you need that stuff go to a doctor and get prescribed it, you know? Uh, I - I had told her I don't want it here, I don't want you - I mean she watched my son while I worked overtime. And she watched my son while you know I had other things going on. And I - I didn't want her under the influence of anything when - when she was around him.

Q: Sure.

A: And, uh - and she assured me that she wasn't under the influence of anything while he was around. And for the most part she was good about not being under the influence and things while her son was around. Um, there was just that one instance where, um, I think there was some - there was some beer bottles laying around. They could have been from the night before or for - or whatever. I didn't recognize them as being from the night before. She was acting kind of different. Uh, we had a little argument, she loaded her - her son up and was real quick to leave. And I said hey - I was just trying to tell her, hey I wanna talk to you. I wanna see what's going on. If you're under the influence - if you've been drinking or whatever, I'll leave, you guys can stay here. It's not even that big of a deal to me. And she was persistent about getting into her vehicle and taking off. And, um, it was in the driveway that it

- it actually happened. I walked up and I grabbed the door handle to try to open it to talk to her and she backed up while the door handle was in my hand and it broke.

Q: Okay. Hey, guys we're gonna take a break. Um, I'm gonna grab you some water, (unintelligible).

A: Okay.

Q: So you can have it. Um, and then we'll come back in. I - I don't know (unintelligible) have any - anymore questions. But, uh, if you guys wanna ask anything (unintelligible) go from there, so, all right?

Q1: We'll be right back.

Q2: Is the recording (unintelligible)?

Q: It is. So if you want to leave or talk somewhere else, you're more than welcome to leave and go to a different room.

Q2: Thank you.

A: (Unintelligible).

Q2: (Unintelligible).

Q: Okay. Water is right there. (Unintelligible). Okay just a couple of questions and then maybe we can wrap up. Um, are you back on?

Q2: Yes.

Q: Okay.

Q2: Thank you.

Q: You mentioned the time when, uh, she was under the influence the day - that day that she made the comment to you - the text and said take care of my kid. And then you hadn't heard from her all day and then she shows up. Um, you said that she told you she had taken like ten to 12 Xanax or something like that.

A: Mm-hm.

Q: Did you ever call the police or anything for her safety or 5150 or anything like that?

A: I - you know, I - I - I actually thought about all that. Um, I went down several times, I - I've - I've gone down that road and thought about that. Such as the time that she was parked in the driveway and all hysterical.

Q: Mm-hm.

A: And quite frankly in - you know, in all of those situations I didn't want - I didn't want this to be blown out of proportion and it become a - a huge deal for me being a - me being a police officer and my police department having to go over to my house and - and then having to deal with (unintelligible). The reason I didn't call specifically that day, uh, where she had made those comments and stuff like that, I didn't know where she was. Um, I could have called somebody and gave - give them like a - honestly that place in the Foothills I know that you - you go - it's somewhere half way between like...

((Crosstalk))

Q: Was she living there at that time?

A: I think so. I'm not even for certain that she was there. She could have been in San Diego with her - her sister, as far as I knew at that point. Um, I hadn't seen her for a couple days leading up to that.

Q: Okay.

A: Um, so it - it had - it had crossed my mind, but I - who do you call when you don't know where - where it's coming from, you know what I mean? And I thought about that for a long period of time. And I - I even went as far as to get onto like Google Maps and try to retrace my steps on the route that I took to get to that place. And for the life of me, I don't get - there's dirt roads. There's several dirt roads you have to take to get there. And I thought well I could call the sheriff's department but what are they gonna say? You know I'm gonna give them a - a 25 square mile vicinity of where - where she could be. Um, so that - that's - that's why I - I didn't do it. That and I - I wasn't - I wasn't 100 percent convinced that - that, that's what it was. Uh, more so I had - I thought that I was her like trying to get my attention. Her trying to get back with me. Her trying to gain my - my sympathy. And at that point I was just done. I didn't want anything to do with her anymore.

Q1: At that - at that point did you have a little (unintelligible) thingy?

A: No.

Q1: Where you could...

A: No, no, no. No, all that had been turned off before then.

Q1: Okay.

A: All that had been turned off long before then.

Q1: Okay.

Q: During the - a couple other fights, uh, namely the one that she alleges in - in the kitchen and, uh, uh, one or two of the other ones, she alleges that she tried to call 9-1-1, uh, a couple of times. And that you grabbed the phone from her and...

((Crosstalk))

A: I've never taken the phone from her when she tried to call 9-1-1. Uh, there was a couple - a situation where we were yelling back and forth and she said you know if - if you leave here or if you're gonna do this or you're gonna do that, then I'm gonna call 9-1-1. At one point she actually dialed it up. And I said call 9-1-1 then. You know? Call 9-1-1 then. Get - get - let's get somebody over here, 'cause I wanna leave.

Q: Mm-hm.

A: And you're preventing me from leaving at this point. I never took the phone from her hand. Uh, I never prevented her from calling anybody that - that she wanted to call.

Q: Okay.

A: Especially in a situation like that. If she felt that it was necessary to call 9-1-1, by all means call 9-1-1.

Q: So there was - uh, I believe two instances on her phone where she actually dialed 9-1-1 or she had a - like a deal, but says it didn't - didn't go through. You're saying there was one time that she actually did...

A: There - there was one time she showed it to me.

Q: Okay.

A: She dialed 9-1-1 and she showed it to me, she goes some-something to the effect of, you know, if I didn't comply with what she wanted me to do, stay there or - or whatever the - the case may be, give her my phone and my keys,

or whatever the case may be, that she was gonna call 9-1-1. And I think on one - one such occasion, it was probably the last one, um, that I - I think you were talking about had to do with ([redacted]).

Q: Okay.

A: Um, she had dialed it and said you know I'm gonna call 9-1-1 and I'm gonna - you know, I've got pictures of bruises. She brought that up at that - at that point. I've got pictures of bruises and I'm gonna tell them, you know, that - you know, you - you're responsible for those bruises. And I said call 9-1-1, show them those pictures.

Q: Mm-hm.

A: You know you play soccer you this and that like I - I - I've never put my hands on you. You know call - call 9-1-1 and - and - and tell them your story if you want. And at that point she got out of the way and I believe - or I think in - in that instance she left. And nobody ever showed up, so I just...

Q: Okay. The other instance where you talk about the door handle on the car.

A: Mm-hm.

Q: Um, and you thought that she was under the influence and she leaves, did you call anybody?

A: No.

Q: Why not?

A: Um, I should have called somebody. In - in hindsight I definitely should have called somebody. But again, um, at that point we were involved in this relationship, I wanted this relationship to work. Um, I - I loved her, I was - I - I brought her and her son into - into my house, I was caring for them. She didn't contribute to anything as far as the household was concerned. Um, I - I wanted to make the relationship work and in that split moment where I had the - the opportunity to make that decision, I didn't make it because I didn't wanna complicate things with - with the relationship.

Q: Okay. ([redacted])?

A: Mm-hm.

Q: Who is ([redacted])? There was an instance - or she said something about you - that - I think that's where the trust issue comes up...

A: Mm-hm.

Q: With - that she's constantly saying that you're hooking up with ([redacted])...

A: Mm-hm.

Q: And, uh, when I finally do get a hold of ([redacted]) is she gonna allege anything ever happened between the two of you, physical?

A: Between ([redacted]) and I?

Q: Mm-hm.

A: No, never anything physical.

Q: She is not gonna say yeah that - there was an issues that's why we had left.

A: What - what kind of issue?

Q: I don't know, I'm saying physical, violence anything that shows...

A: No, absolutely not. Absolutely not.

Q: Okay.

A: Absolutely not.

Q: What about your ex-wife?

A: Contact my ex-wife. I mean, uh, I was with her for 13 years.

Q: Mm-hm.

A: And there was never anything physical that - that happened between us. There was one - in 13 years there was one heated argument that we had.

Q: Okay.

A: And that was at the end of our relationship.

Q: And - and nothing ever physical?

A: No, never.

Q: Anything that you think that she'll allege?

A: My ex-wife?

Q: Yeah.

A: No.

Q: Okay. I think that's it. I think we're done.

Q2: I have one clarification. The issue with when she came over and said she had taken ten to 12 Xanax.

A: Mm-hm.

Q2: Correct me if I'm wrong, I just wanna make sure I heard it correctly. She had taken those much earlier in the day and said she had basically been sleeping all day?

A: Yes.

Q2: Okay, I just wanted to make sure that I heard that correctly.

Q: That's the way I understood it too.

A: Yeah.

Q: Okay.

A: And then she left from there, uh, but I didn't want her there. I didn't want - it - it just didn't - it was bad news, her being there.

Q2: Okay.

A: And it was either me leaving or her leaving.

((Crosstalk))

Q2: I just wanted to make sure I heard it correctly.

Q: Any reason - what are your thoughts - why - why is she alleging these things that you're telling me that these things didn't happen? What's her motive behind this?

A: Honestly, um, I think she's young and naïve, she's like 24, 25 years old. Uh, she's upset that I don't wanna be with her anymore. Um, she's upset that I'm - I'm seeing this new girl. Um, and she's even - I mean she even said I - on the day that she was over there in - in the garage, of falling around on the ground and stuff like that, that, uh - that she had made a mistake and this is the very end of things. She's coming back over there and she's begging for me back. She's saying that she made a mistake. That she had a lapse in judgment when she took off to go to San Diego. When she wasn't answering my phone calls. When she wasn't getting back to me with the text. When she left and went to her dad's house an all - all that stuff. She - she had made a mistake. She didn't know what she had and that she - she wants me back. Um, and you know she - she - on multiple occasions she said that you know if I didn't take her back that she was gonna make my life hell. And that she was gonna be exposing me for being a monster or something to that effect. Um, I think that has everything to do with it. Um, but as far as I know she has a history of domestic violence type things with, uh, her - her baby's dad. Uh...

Q: Who told you that?

A: She told me that, yeah. And that - and he's told me that as well.

Q: You've talked to him?

A: I've talked to him, yeah. Um, not since all this happened, but I used to go pick up her son from him.

Q: Okay.

A: You know? And they're relationship is crap. It's - and it's sad too, its' to the point where dad pulls up and gets the little dude out and puts him on - on the ground, he walks over and gets in mom's car and they leave. The only interaction they ever have between one another is if they're arguing or fighting over something. They're very spiteful towards one another. So much so that, uh, you know, I - I wanted to take, um, her and her son and my son to Disney Land and it was gonna land on the dad's day. And she had asked him about it and he had said no. So I called him up and talked to him about it. He's like yeah, hey no problem. I - you know I just - I don't - I don't have a good relationship with her. You know and - and he's - he's always - he's told me on several occasions that he's got nothing against me. That, uh, you know, I've always been respectful of him and - and stuff like that. But there's a whole host of stuff that they went through, that I've heard from her side. Um, that he said, you know, the police were involved in a couple of things with them. Um, yeah and I think that's - that's it. Uh, she, uh - the - the - honestly I think she just wants to get back with me or wanted to get back with me. And

because I won't be in a relationship with her now, she's making up a bunch of different allegations to - to essentially try and ruin my life.

Q: Okay.

A: And - and talking to my ex-wife about - about the situation too, she's - she's made comments to her about - about...

Q: ([redacted]) made comments to your ex-wife?

A: My ex-wife about trying to - trying to ruin me at work. Trying to ruin this, trying to ruin that. She was trying to coach my ex-wife into - in - into cooperating with her on a couple of different things, from what I understand. I mean you didn't get that story from her.

Q: Okay.

A: Um, but yeah, I - I think she's just very spiteful and - and doesn't like how this relationship ended.

Q: Okay. (Unintelligible).

Q1: Obviously this has a lot to do with text messages and stuff like that.

A: Mm-hm.

Q1: Do you still have those text messages between you and her?

A: I don't have a lot of them. I erased a lot of them. Um, I have AT&T, so I mean I can contact AT&T and see if they're capable of...

Q1: Mm-hm.

A: To bring them back. I know AT&T or Verizon you can get some of them back. Um, I was gonna look into doing that, especially the one - the ones in regards to the - the Xanax and - and stuff like that. Uh...

Q1: Anything you have that would be great.

A: I don't have anything right now. I mean I - I'd have to (unintelligible).

Q1: I understand that.

Q: Okay. I think we're done. All right. Uh, sit tight. I'm gonna go and shut off our deal and then, uh, they'll come in and, uh, start their own deal. But I won't have anything to do with it.

Q2: Okay.

Q: All right.

A: (Unintelligible).

Q: Yeah.

Q2: Okay. (Unintelligible).

A: All right.

Q: Thanks man. Good luck. (Unintelligible).

Q2: And you're gonna turn the audio/video off?

Q: Yeah, give me about like 15 seconds.

Q2: You're on the clock.

Q: (Unintelligible).

Q2: Thanks.

This transcript has been reviewed with the audio recording submitted and it is an accurate transcription.

Signed_____

INTERVIEW WITH [redacted]
Q=Det. [redacted]
Q1=Det. [redacted]
Q2=Ofc. [redacted]
A=[redacted]

Q: Yup. Yeah, right there. Have a seat. We're gonna close this door just for…

A: Okay.

Q: …privacy purposes.

Q1: You read the (unintelligible)…

A: Yeah. [redacted]

Q1: …I'm [redacted].

A: Nice to meet you.

Q1: Hi. Nice to meet you too.

Q: Okay. Let me start off by saying this. Um, I'm a police detective. I – my job is to, uh, investigation crimes. I am not assigned to an internal affairs investigation depart- of this…

A: Mm-hm.

Q: …and so I have no idea of anything. I just know that there may be a n- possible crime that occurred. So if you wouldn't mind if you wanna start from the beginning and we'll start.

A: Okay. Um, well, do you want me to like, explain our whole relationship or just…

Q: Sure.

A: …basically just the – the – what had happened?

Q: No, I'd like to start in the beginning.

A: Okay. Um, well, I met, uh, (Kyle) when, uh, he was actually working and then he...

Q: Here?

A: Yeah. While he was on duty.

Q: Okay.

A: Um, I was hanging out with my friend and, uh, she got a call from – from him it – saying like, "Hi, this is Officer Kyle Pennington. Um, you know, I need to speak to ([redacted])." And so, uh, basically her boyfriend at the time was being investigated for an, uh – like, stealing tailgates and he needed to speak to ([redacted]) because I guess her car was involved in it. So anyways. He eventually came and actually picked us up from the bar that we were at and took us home and so that's how I met him. And then after that we had hung out and we started a relationship. He turned out to be married d- he had lied to me and said that he was divorced and...

Q: Hmm.

A: ...that he had, you know, a custody arrangement.

Q: When – when – let's back up. How – when did that – when was that?

A: That was in April. Um, I had wri- I wrote down the dates...

Q: That's fine. So...

A: ...but I believe it was....

Q: ...April of...

A: ...I think it was April 9 actually or 8.

Q: Of what year?

A: Last year.

Q: Okay. So a- some time in April 2012 you met him through kind of an investigation or something that he was doing...

A: Yeah.

Q: ...(unintelligible) gotcha. And then at that point...

A: Um...

Q: ...you – you started a relationship. You said that you found out that – but he told you he wasn't married?

A: Yeah. He said that he was divorced.

Q: Okay.

A: Um, when we were talking and, um, I kinda went through a similar thing with my son's dad so it kinda felt like we had a lot in common in that aspect. And told me that he had a custody arrangement and all of that but everything was like, really si- it made suspicious just the things that he was saying and I thought that he was lying about it. So I actually went online and I looked to see, um, if – 'cause like, divorces are public record and so I looked to see if there was like, an actual thing on there saying that he was divorced and there was nothing.

Q: Okay.

A: I looked under his name, under his, uh – his wife's name, and there's nothing. So I questioned him about it. And then like, slowly but surely he would tell me the truth about things that he wasn't i- in – divorced but he told me that the paperwork had been filed and it was just – they're waiting on that. And then I found out that that wasn't even true either.

Q: Okay. .

A: And then he t- um, told me about how he basically had an affair on his wife, um, throughout their marriage and with this girl and that he was changed and all that. So I was always really suspicious that he was going to like, do the same thing to me which in the long run he did. Um, but just during our relationship was really rocky because I never trusted him so we were always constantly arguing. And like, our arguments slowly escalated to the point where it just became more and more physical to the point where he was just like – he drug me m- through the living room by my hair at one point.

Q: Um, okay. So let's – I – I'm gonna – we're gonna talk more about those incidents but let's start from, um, where it began to change from just verbal to the first time where something...

A: Um...

Q: ...was more than that.

A: ...probably like, maybe four months, maybe three months into our relationship.

Q: So it's April so we're looking at July maybe?

A: Yeah. And...

Q: Okay. Last year. So four months into your relationship. You remember the specific incident when it was ba- what happened?

A: There was a few. W- the first time that we actually, um, like, it was extremely physical was, uh...

Q: No, let's – I – I want the very first time where something more than verbal happened and then we'll – we'll get to that...

A: Okay. So that's this time.

Q: Okay.

A: Um, he...

Q: So prior to this nothing had been – no hands had touched (unintelligible).

A: No.

Q: It's just been yelling?

A: Yeah.

Q: Okay.

A: Um, well, yeah, I ha- I – the first time that it was actually extremely physical was when we were arguing over I had found out that he had cheated on me with the same girl that he had cheated on his wife with. And she actually, uh, called his phone and so I had his phone and that's what he was – he was trying to get it away from me. And, uh – and so as he – he was just like, attacking me trying to get the phone away from hi- uh, from me and I was holding onto it and we somehow ended up into the kitchen and he was like, grabbing me and he threw me to the ground and, uh, I still had it – like, I was on my stomach basically with the phone underneath my...

Q: Mm-hm.

A: ...body and he started head butting my back. And, uh, the – I have a scar from him just from being on the rug, you know, being like, drug around. Um, so that was basically the first time. I think I even tried to call the police at that time but he (unintelligible).

Q: Where did this happen?

A: At our house.

Q: W- where's that at?

A: [redacted].

Q1: You guys were living there together?

A: Yeah.

Q1: Anybody else living there?

A: Uh, no. Just our – our kids.

Q1: Just you two?

A: Yeah.

Q1: Okay.

Q: You're saying your kids so...

A: Um, his child and then mine that we have...

Q: I see.

A: ...with other people.

Q: Were they there at the time?

A: His son was there at the time.

Q: Uh, [redacted] That's here in Clovis?

A: Yeah. That's where he currently lives.

Q: That's where he currently lives? Are you saying you don't live there anymore?

A: No.

Q: Okay. Um, okay. So s- this was sometime in July. Again, prior to this there had been some verbal arguments and stuff like that.

A: Mm-hm.

Q: Um, fights over trust issues.

A: Basically.

Q: But this day – this particular day in July, um, you had his phone and you saw that she called? Is that what…

A: Mm-hm.

Q: So she called. Um, what was her name? Do you remember?

A: ([redacted]).

Q: So ([redacted]) calls and that's when you confront him and n- you accused him I'm guessing or is it...

A: I – I had already known everything and I had actually spoke to her the night before.

Q: I see.

A: And, uh, so he was basically telling me one thing and telling her another and I think that's why he wanted his phone because he didn't want me to talk to her again and for her to tell me the things that, you know, he had told her…

Q: Mm-hm.

A: …because he had been in contact with her that morning and I was unaware of what the conversation was. And so when I had his phone that's when he like, freaked out and was trying to get it from me.

Q: Okay. So you had his phone and did she call at that time and…

A: Yeah…

((Crosstalk))

A: ...I – I think so. Yeah.

Q: So he's trying to get it from you. You guys kinda wrestle over it. Um, y- you're in the living room at this point?

A: Um, we ended up in the kitchen.

Q: Right. But at the – where it started?

A: Yeah.

Q: Okay. So you're in the living room, the wrestle, it ended up you end up in the kitchen, and he pushes you to the ground.

A: Mm-hm.

Q: Um, from the back, from the front? You say you end up on your stomach.

A: Yeah.

Q: Did he push you – did you land on your back or did you land on your front?

A: I think it more sort of a – him just like, kind of like, flipping me over.

Q: I see. Okay. So he flips you over but your – you land on your front...

A: Mm-hm.

Q: ...and so you have the phone underneath you.

A: Yeah.

Q: And so he's on top of you trying to still grab at the phone?

A: Yeah.

Q: Um, and i- uh, he s- th- he still can't get the phone from you...

A: Yeah, he was just grabbing my arms and trying to like, get the phone away from me.

Q: Right.

A: And that's when he started head-butting my back and it hurt so bad that I just like, dropped everything and took my breath away.

Q: Okay. And so you drop the phone. You have a scar on your arm…

A: Mm-hm.

Q: …because that's what he's trying to grab (unintelligible)?

A: Yeah.

Q: Okay. So you drop the phone, he head-butts you. How many times did he head butt you?

A: I would say two times.

Q: Okay. Um…

Q1: What kind of floor in the kitchen?

A: It's a hardwood floor but at the time I had a rug down on the ground.

Q1: At that time did you notice the mark that you say is (unintelligible).

A: Yeah, it was – it was…

Q1: Was it open?

A: …open.

Q1: It was open…

A: You…

Q1: …like, open wound?

A: Kind – yeah. It – you know when it's like, barely on the surface so…

Q1: Mm-hm.

A: …it doesn't necessarily bleed but it's – you can…

Q1: (Unintelligible).

A: Yeah. It – I'm really tan right now so it's hard to see it.

Q1: Right here?

A: Mm-hm.

Q1: Okay.

Q: So you drop the phone, uh, and you – you – you move away from it or what happens after that?

A: Um, I think he just ran out of the like – ran out of the kitchen and then, um…

Q: Did he take the phone with him?

A: Yeah.

Q: Okay.

A: And I think at that point I was just kind of like, okay, I'm so over this. And I – I left. And he was with his son so.

Q: What's his son's name?

A: [redacted]. It's [redacted].

Q: Okay.

A: But he's…

Q: How old is he?

A: …he's, uh, little. He's, um – I don't think he was two at the time yet…

Q: Okay.

A: …but he was almost two.

Q: Um, was he – did he see what – did he see…

A: Yeah.

Q: Okay.

A: He was there like, screaming the whole time.

Q: Okay.

Q1: So was your child there?

A: No.

Q1: Okay.

Q: So he takes the phone and he leaves?

A: Mm-hm.

Q: D- he leaves the house or he goes…

A: I think I left the house.

Q: Okay. So he – he just leaves the kitchen. That's when you leave the house?

A: Mm-hm.

Q: Where do you go?

A: Um, I think, uh, I either was probably went and drove around or went to my dad's house.

Q: So you were living together at the time?

A: Yeah.

Q: When did you guys actually move in together?

A: It was, um, July. Sometime in July

Q: Okay. So we're – we're in July when this happens. So how long after…

A: Actually that – that might have been in August that that actually took place…

Q: (Unintelligible).

A: …because our move in date was August so it had to have been that time.

Q: Okay. So it was sometime – how long after you moved in do you think that this event happened?

A: Probably, uh, the first month that we lived there.

Q: Okay. So you leave, you drive around. What's going through your mind with what's happening?

A: Um, well, at that time I was mainly, um, upset about all, uh, like, everything that had taken place, not just the fight itself but a- the cause of the fight of him talking to her and hanging out with her and everything. I had, uh – I think I broke up with him at that time and he actually came over the next day and while he was working and would not leave the house and was just begging me to like, stay with him and that he had made up a big mistake and that type of stuff so.

Q: Okay. So let's back up. So you're driving around. You returned to the house?

A: Yeah.

Q: That night?

A: Um, I think so.

Q: Around what time did this happen?

A: This was in the morning.

Q: This was during the day?

A: Yeah.

Q: Approximate time?

A: I would say...

Q: Just guess.

A: ...like, maybe like, 9 or 10.

Q: Okay. So this happened 9 or 10 in the morning.

A: Mm-hm.

Q: Was it a weekend or something? I'm assuming 'cause nobody's going to work or was it during the week?

A: Um, I think he was working and he had his son so it would've been a – either a Monday or Tuesday…

Q: Okay.

A: …because I don't have my son on, uh, Mondays or Tuesdays.

Q: Gotcha. So it's a Monday or Tuesday morning. Um, you're driving around afterwards. How long before you return back to the house?

A: Gosh, I don't remember.

Q: Hours or was it right away?

A: Probably hours maybe.

Q: Okay. Afternoon maybe sometime?

A: Yeah. I – I think we probably woulda – we made up on the phone and – and that was kinda that.

Q: Okay. But again, prior to this happening there had never been a time where…

A: Mm-mm.

Q: …where hands were laid even by you on to him?

A: No.

Q: Okay.

A: The only thing that ever really occurred that kind of led up to that was, um, anytime we would argue I would always try to leave the house and so he would try to stop me from leaving the house and that eventually escalated into th- like, that was our first like, huge fight like that.

Q: Okay.

A: But after that I would always try to leave because I didn't want it to escalate and, uh, I'm just the type of person that I would rather leave and cool down and then talk about it…

Q: Sure.

A: …later but he always wanted to like, do it right then and there.

Q: When you say that you wanted to leave and you try to leave and he wouldn't let you was it more of don't leave I wanna talk to you or was it, uh, you're not leaving and...

A: Yeah.

Q: ...and...

A: It was that.

Q: Okay, so explain it a little bit to me then.

A: Um, well, once I realized that that's how he was and that he wouldn't let me leave the house I would try to run to the door and get out of the door in time but he would always run up and, um, push the door closed and lock it and just would not let me get by him to – to get out of the door.

Q: Okay. Um, were you afraid at that time when that happened?

A: Yeah. There was a few times after the – our fights started escalated. Then I was definitely scared.

Q: Okay. Did he do anything that made you think at that time that something was going to happen or...

A: Um, it...

Q: ...was it more of a like, oh my god, like, he's not letting me out of here and something's gonna happen or was it he just won't – he just (unintelligible). He just won't leave it alone?

A: He – at first it was like, a bugging but...

Q: Mm-hm.

A: ...um, I – I alway- I just knew that the fights were going to escalate so I – like, I wanted to get out of there before something like that happened.

Q: Mm-hm. Okay. How many times before this event would you say that that happened to where, um, it gradually escalated to he wouldn't let you about?

A: Mm, I would say at least like, four times.

Q: Okay. And then how long would that last as far as where you actually could leave again?

A: Um, until the fight was over and which t- coulda been like, hours sometimes.

Q: Okay. You say and out of these four times the first two or three you really weren't concerned, it was just more of you just wanted to get it done and – but the last one or two it was j- changed to where you were kinda afraid of what was gonna happen?

A: Yeah, it – well, especially after we had gotten into the fight when I knew that he was capable of – of doing something like that.

Q: Right. So after the fight happens it's – it's worse I get but before the fight happens it's more of…

A: Yeah.

Q: It's more of whatever.

A: Mm-hm.

Q: He just – he – it's that kind of thing where he just won't let it die and, you know…

A: Yeah.

Q: …(unintelligible) just give me some time. Okay. So this fight happens that we talked about already. Um, you return to the house. You've made up over the phone. When's the next i- is there anything else that happens after that?

A: Yeah. There was, um – there was a – a few times but the ones that really stick out in my head are the ti- uh, there was another time where I don't recall what we were arguing about….

Q: When is this?

A: Uh, gosh…

Q: Roughly.

A: I don't know. It was…

Q: Summer, Fall…

A: It was…

Q: ...Winter?

A: …summertime.

Q: Okay.

A: Because it was warm out.

Q: Still last year, right?

A: Yeah.

Q: Okay.

A: Or was it Winter? I can't remember. But, uh, he was going crazy in the house and I actually got out of, um – like, made it through the garage because he was flipping over like, furniture…

Q: Mm-hm.

A: …in our bedrooms.

Q: Let's – let's – let's back up a little bit. So it's – it's – you don't remember what time it is but…

A: This time was at night.

Q: Okay. So it's night time and he's flipping out. Why's he – you don't remember why?

A: I don't remember why.

Q: Okay. So there was some argument or something disagreement you guys were having and he's flipping out.

A: Mm-hm.

Q: Um…

Q1: Was the argument between you guys or b- was something else that set him off?

A: Um, I don't r- I don't remember what we were arguing about.

Q1: Okay.

Q: So I'm guessing that – and again, hopefully you will fill in these blanks but (unintelligible) that you guys start arguing and then all of sudden you say he's flipping out. What does flipping out mean?

A: Um, he was just yelling and, um, was trying to get me again to not leave the house and we were in the bedroom and he starts like, throwing things off of like, the tops of the dressers and, uh, m- completely lifted up the bed and flipped it over. And, uh – and so at that time while he was busy doing that I knew that he couldn't stop me from getting out of the house. So that's when I ran out of the garage because our bedroom – the door and the – like, the hallway that leads down to it is the garage door. And that was like, what we used to like, come in and out of the house.

Q: Okay.

A: You know (unintelligible) rarely used the front door.

Q: Right.

A: Um, and so I ran out and he actually chased me halfway down the street. And I think he like, realized oh, well, we're in public. I should probably not be doing this.

Q: Mm-hm.

A: So he left and, um – or he stopped and he, uh, got back in his truck and I – 'cause I saw him like, driving around looking for me and I was hiding from him. And I ended up at the park, um, that's like, a neighborhood park.

Q: Okay.

A: And he was still driving around. And then I went to my friend's house that lives there. And he actually showed up over there and was like, banging on their door at like, three in the morning.

Q: Hmm. Which friend is this?

A: His name's, um – he wasn't awake at the time but my other friend was there. The – the guy that lives there, his name is ([redacted]).

Q: Y- did you make it inside?

A: Yeah.

Q: Who let you in?

A: Um, well, I saw my – my other friend's truck outside and knew that...

Q: (Unintelligible).

A: ...he was there so.

Q: Who's that?

A: ([redacted].

Q: Okay.

A: And so, uh, when I saw his truck I thought oh, maybe I can go over there. So I had texted him. I said, "Hey, are you at ([redacted])'s right now?" And he was like, "Yeah, why? What's up?" And I was like, "Oh, I'm at the park." And he was like, "Why are you over there?" And he was like, "Come inside." So they walked out and met me at the park and then, um, I went inside and kind of like, had told them everything that were – was happening. And they were just like, "Oh my gosh. You can't go back over there. Like, you can stay here."

Q: Mm-hm.

A: So we all just hung out there and then he showed up over there. We...

Q: And this was somewhere around three in the morning at that you said?

A: I- at that point. Yeah.

Q: Okay. Um, ([redacted]) lives down the – I guess around the corner?

A: Mm-hm.

Q: (Unintelligible) somewhere around there. Do you know the address off hand?

A: Mm-mm.

Q: That's fine. Okay. So you went and you told them what was going on. Both of them were or was it just (unintelligible)?

A: ([redacted]) was asleep the whole time but it was...

Q: Okay.

A: ...([redacted]) w- um, was there and then, um, the – a guy that I had never met before. Um, his name was ([redacted]). He was there. And then so we were all hanging out and that's when like, he started driving by the house and we were like, sitting in there. We turned off the lights so he wouldn't think that I was there.

Q: Right.

A: And then he eventually came over to the door and started banging on the door. Um, ([redacted])'s dad actually came and answered the door and was like, yelling at him. Like, he started yelling at him saying that he knew that I was in the house and that he better let me out and – or let him come in or tell me to come out and that he was going to like, have his – his cop buddies come over and just all sorts of stuff. I was...

Q: He told ([redacted])'s dad that?

A: Yeah.

Q: Okay.

Q1: Did anybody call the police on that?

A: No.

Q1: Nobody did?

A: Mm-mm.

Q1: Okay.

Q: Okay. So what happens with ([redacted])'s dad t- what does he tell him?

A: Um, he just basically tells him that I'm not there and that he's never met me. He doesn't know who he's talking about. And, uh – and that he needed to leave. And so eventually he left but then he was – but the entire time he's blowing up my phone like, calling and texting me. And, uh – and eventually he came back again and then ([redacted])'s dad answered the door again. And, uh – and then I finally agreed to go back over there because he just would not leave and told me, uh – I kept telling him, "Okay, if I'm – if I go back over there like, I don't want to argue. Like, why would I go over when you're gonna go crazy? And I know how you are. You're not going to let me leave again." So I finally agreed to go back over there and then it was the same

thing over again. And so I ran out of the house again. And then I ended up sleeping in my car that night just so I wouldn't have to go back over there.

Q: Um, okay. Did he lay hands on you anytime that night or you just were able to make it out by running out?

A: No, he – it took a while for me to actually be able to get out of the house because he...

Q: It was just more of I'm not letting you leave?

A: Yeah.

Q: Okay. Um, were you afraid that time?

A: Yeah.

Q: Okay. And when you s- say he's not letting you leave what – what would he do?

A: He would just s- stand in front of the door and push me away from the door anytime I would try to get it, pull me away from the door if I was ever trying to get out of the door.

Q: Okay. Okay.

Q1: You said you slept in your car?

A: Mm-hm.

Q1: Where was your car at? In the street or driveway?

A: Um, in the street.

Q1: In the street?

Q: And I know, um, Sergeant [redacted] asked this. I'm gonna ask this probably every time because they're gonna wanna. The first time when, um – the very first incident that we talked about did you call the police at that time?

A: I did actually.

Q: You did?

A: Mm-hm.

Q: Um...

A: But I don't think the phone connected.

Q: So you didn't actually talk to anybody?

A: No.

Q1: And we're talking about the kitchen floor one? The...

A: Mm-hm.

Q1: Okay

Q: Okay. So you left that – that time. You left the house then you went driving around. You called the police.

A: No. During the – the altercation...

Q: Oh, during the actual...

A: ...I had called. Yeah.

Q: Okay. Did, um...

A: I think that was probably what initially really set him off to try to get the phone away from me too because he started like, bawling hysterically saying that I was going to make him lose his job and – and all that. And I – so I hu- I think I hung up the phone.

Q1: 911 or...

A: Mm-hm.

Q1: Okay.

Q: So on his phone?

A: I think it was his phone.

Q: So you had his phone, you're holding it, and then y- that's when you're – you call 911 or you – you attempt to call 911. Did d- is he doing anything to – to grab it or is he – is it just he's just – that's when he's...

A: I think he…

Q: …bawling to tell you not to…

A: Yeah, he started crying. I don't remember at what point that was but…

Q: Okay.

A: …I was in the living room I remember that.

Q: That's before…

A: Maybe it – maybe it…

Q: …the wrestling.

A: …was my phone.

Q: Okay. But it's before the wrestling actually occurred?

A: I – it was after.

Q: Oh, it was…

A: I think that's what prompted me to call them.

Q: Okay. So you had the – the actual wrestling part in the kitchen. You get up. You're pissed off. You were ready to leave.

A: Mm-hm.

Q: That's when you're calling?

A: I think so. Yeah.

Q: Okay. And so that's when he starts crying. Um, and so you hang up on your own?

A: I think so. Yeah.

Q: Okay. So you hang up on your own. He's – it's not like, he's wrestling again trying to grab the phone…

A: No.

Q: ...that you use so you can't call.

A: he just – he – he like – it was kind of like, a snap moment where he was crazy and mad and then once he saw that I was doing that he was like, oh my god and completely stopped. He was holding his son in his arms. I remember that.

Q: Mm-hm.

A: And then he started crying saying that I was going to make him lose his job.

Q: Okay. So you hang up on your own, decide not to do that.

A: Mm-hm.

Q: And then you leave.

A: Yeah.

Q: Okay. So the second incident where now you're hiding at your friend's house you never...

A: No.

Q: ...decided to call the police? Did – did they mention we should call the cops or anything like that?

A: I think so but...

Q: Okay.

A: ...I think like, our whole mentality at the time was kind of w- what good is that going to do if it's just going to be like, his friends that come over.

Q: Okay.

A: Like, you – because, you know, it's Clovis so.

Q: Right. Okay. So you decided not to do it...

A: Yeah.

Q: ...because of that? Okay. Um, so you return, another argument ensues, he stops you from leaving a couple of times...

A: Mm-hm.

Q: ...again but eventually you're able to make it out of the house.

A: Yeah.

Q: But he had no hands on, no physical...

A: Just grabbing and pushing.

Q: Okay. Tell me about that.

A: It just anytime I would try to get near the door or run towards it he would either pull me away from it or just stand in front of the door and push me away anytime I would try to get near it.

Q: Okay. But nothing more than that?

A: No.

Q: Okay. So you get out again and you end up sleeping in your car...

A: Mm-hm.

Q: ...down the street somewhere or...

A: Yeah.

Q: Did he come out again...

A: It – there's like...

Q: ...looking for you? That – or...

A: I don't think so.

Q: Okay. You...

A: (Unintelligible).

Q: ...you're about to say there's...

A: Oh, I was going to say there's kind of a cul-de-sac area at the e- l- because it's right behind Fresh and Easy. And so like, I parked over there and slept.

Q: I see. Okay. Okay.

Q1: So to clarify something real quick, um, when you run out, go to the park, and end up at the friend's house down the street what kind of time frame are we talking about? How long were you in the park waiting?

A: Um, like, maybe three minutes...

Q1: Oh, not that long.

A: ...if that. Yeah.

Q1: Okay. Okay. Then find a friend's house.

A: Well, their house is actually right across the street from the park.

Q1: From the park?

A: That's how I saw that my friend's truck was there.

Q1: Oh. Gotcha.

Q: Okay.

Q1: Okay.

Q: Okay. Any other events that stand out?

A: Um, just the – like, the last time that I really, um, aw him was like, the ultimate...

Q: Okay.

A: ...complete fight.

Q: S- before we get into that so how was that, the one that we just left though? How was that resolved? You – you sleeping in the car. What happens? How does that get resolved?

A: Um, I think just through text messaging and – and phone conversations. Um, I think I went over there the next day and he was always like, really good at making it seem like it was my fault basically and, uh – and just like, sweet talking his way out of it.

Q: Okay. So you – you went back again voluntarily...

A: Mm-hm.

Q: ...(unintelligible) and worked things out?

A: Yeah.

Q: And one other thing. During that instance was there a- either your – your child or his child there at that time?

A: Mm-mm.

Q: Okay. So nobody was there at that time?

A: I don't think so.

Q: Just the two of you. Okay. Okay. So now that was again probably end of summer. Maybe it had a – a month or two since the first deal that happened?

A: Mm-hm.

Q: Now we're onto this next thing, this ultimate – the last thing (unintelligible).

A: Actually there was one before that.

Q: Okay.

A: Um, because I remember it was right before New Year's – New Year's Eve. And, um, it was a couple days prior to that. Uh, we were arguing again because I ar- always had this like, feeling that he had gone down to San Diego, um, with another girl when we first were, uh, together.

Q: Mm-hm.

A: And I finally got him to admit that he actually was down there with like, other people then because he told me that he was going down there for like, military purposes...

Q: Right.

A: ...but that wasn't true. And I always knew and I finally got him to admit to it even though I still don't think he told me the real story but...

Q: Right.

A: ...um, so we ended up having an argument over that. And he – I don't remember what hi- happened exactly but w- we were somehow like, in a fight and I ended up with like, this huge bruise from him grabbing my arm. And I – I have pictures of it but I just had cruises all over my arms. And, uh, he even kicked me in my leg.

Q: Okay. So let's back up then. So this is now around New Year's.

A: Mm-hm.

Q: Okay.

A: It was a couple days before New Year's.

Q: Okay. So it's around New Year's. You had found out that he had gone to San Diego with other people basically.

A: Mm-hm.

Q: Um, which was true – which your suspicions were true.

A: Mm-hm.

Q: So you got into this argument and where were you at? You said you're at the house again?

A: Mm-hm.

Q: Okay. Um, anybody there at that time?

A: No.

Q: So it's just the two of you?

A: Mm-hm.

Q: You get into this argument and at some point he grabbed you?

A: Yeah. I – I th- I'm sure I was probably trying to leave again like always.

Q: Mm-hm.

A: Um, but this time it ended like, it was – had escalated and he...

Q: Any alcohol involved at that point?

A: I don't think so.

Q: What about the other two?

A: No.

Q: Okay.

A: Mm-mm.

Q: Okay. Keep going.

A: Um, and so I was trying to leave and it got to the point where he – where he pulled me down and w- picked me up and threw me on the bed anytime I would try to leave the room. And, uh – and I would – obviously was trying to like, fight him off and…

Q: How many times you'd say that that happened?

A: M- m- like, that he…

Q: That – that time.

A: Um, I would say maybe three times.

Q: Okay.

A: If it wasn't on the bed then it was to the ground.

Q: Okay.

A: And so I was trying to get away from him and he was just throwing me around like a rag doll basically. And then at one point, um, we were kind of like, wrestling on the ground and I was trying to get away from him. I stood up and he kicked me so hard th- that I – I thought my leg was broken and it just left…

Q: Where (unintelligible).

A: …this huge – it was on my thigh right here.

Q: Okay.

A: And, uh – and it took my breath away and that's when I – I was just like, bawling hysterically. And then that next day I just had bruises all over my

body. I actually took a picture of them, um, and I emailed them to myself and deleted it from my phone so I...

Q: Mm-hm.

A: ...so he wouldn't find out about it but for some weird reason it didn't go to my email.

Q: (Unintelligible).

A: So I don't know if it's like, lost somewhere in some folder because I remember I specifically tried to hide it and I apparently hid it too well because even I can't find it.

Q: Now you say you tried to hide it. (Unintelligible) is there a reason why you were hiding it?

A: Oh, because I knew that he would be mad if he saw that I was – had taken pictures of the bruises that he left on me.

Q: Would he r- tend to go through your phone or...

A: Yeah.

Q: Okay. Have you searched for those since?

A: Yeah.

Q: A- any luck?

A: Um, the only picture that I really have are from a job that we did on New Year's Eve and you can – I put makeup all over it so you like, couldn't see it because I was supposed to be...

Q: Right.

A: ...the model for this event and...

Q: Mm-hm.

A: ...I didn't want them to see bruises so I put makeup on it but I think there are some close up ones where you can see the bruise.

Q: Okay.

A: And everyone at my work, they all saw it and at – everyone was asking me about it just because it was m- my entire arm was just black.

Q: Okay. Um, do you have access to those pictures?

A: Yeah.

Q: Can I get a copy of those or…

A: Yeah. I – I think I have one with – uh, I will have ask the guy to send me a more close up one of it.

Q: Okay. Whatever you've got and I'll – and I'll – will take. Um, and I would really appreciate it you could look and find those ones that you took…

A: Mm-hm.

Q: …um, the – the actually bruises see if they – if you – if they are in a folder (unintelligible).

Q1: The ones you tried to email to yourself, what did you take a – did you take 'em with your phone?

A: Yeah. And I kind of took it in a mirror and then I emailed them to myself and then I deleted it out of my phone but I never checked my email to make sure that it had gone through just because I assumed it would.

Q1: Is it the phone that you have with you?

A: No.

Q1: It's not.

A: I actually turned that phone into them. I don't know if, uh…

Q1: Oh, you did.

A: Yeah. I don't know if they found anything on it or not.

Q1: Okay. I'll check with them.

Q: So you turned that phone that you actually took the pictures in?

A: Mm-hm.

Q: You turned it in to – who's them?

A: Um, the, uh – ([redacted] and...

Q: Okay.

A: ...gosh, what her last name? ([redacted].

Q: Okay.

Q1: Okay.

Q: Okay. So, um, let's – let's go back to that incident. So you – he grabbed you, he's thrown you on the bed about three or four times, and then at one point he finally – he kicks you...

A: Mm-hm.

Q: ...uh, which knocks you to the ground – knocks – knocks (unintelligible).

A: Mm-hm.

Q: Um, so how does it end?

A: Um, I think I left and, um...

Q: He finally let you go or...

A: I don't really remember. Maybe he left at that time. I don't know.

Q: Okay.

A: But, um, I do – I did have to work the next day and, uh – and then after that the n- that next day was when we had to the New Year's Eve job. And so we hadn't been talking all day and I finally went to the house and he was like, "Okay, are we gonna go do that job?" And it was kind of like, just like, awkward silence basically just because I was like, I cannot be with this person anymore. And so we kind of just went through the motions and did that job and then after that it kind of seemed like maybe we were going to make up after that, um, 'cause we ended up staying down in Lemoore because that's where the job was that we had to do. Um, so that was pretty much that.

Q1: Okay. Did – did you call the police at any point at that time?

A: No.

Q1: Why not?

A: Just because of his job.

Q1: Because of his job. What – what about his job?

A: Uh, well, he would always tell me that – that I basically shouldn't call the police and that I – that I can't because he would, uh, lose his job over it and…

Q1: Okay.

A: …he would make me feel really bad about it.

Q1: Okay.

Q: So you didn't call at that time…

A: Mm-mm.

Q: …because of that?

A: Yeah.

Q: Okay. So you said you end up going to Lemoore and making up at that point again or…

A: Mm-hm.

Q: Okay. Okay. Uh, and that was again a couple of days before…

A: That – yeah, that was….

Q: …(unintelligible) around New Year's.

A: Yeah.

Q: Uh, this last past New Year's.

A: Mm-hm.

Q: Okay. Any time a- anything else after that?

A: Um, there was another time where he – I had actually moved out at that point and…

Q: When was this?

A: Um, gosh, it had to have been in February.

Q: Okay. Of this year?

A: Or actually I moved out late January…

Q: Okay.

A: …because I remember the guy that I'm renting from he didn't charge me for that time in January because it was so close to February 1.

Q: Okay.

A: So I was living there because I had just completely broken up with him and told him that I no longer wanted to be with him. And he was constantly calling me and harassing me about it, about getting back tougher. He showed up at my work, showed up at my school, left notes on my car, that whole thing. And, uh…

Q: Threatening or more of bugging type like…

A: Just – yeah. Bugging. Yeah.

Q: Okay.

A: Um, and he – I didn't tell him where I lived but he kind of made it seem like, oh, I'll help you, um – help move your furniture up there because I still had a lot of stuff at – at the house that we had shared. And so I was like, "Okay, this is the address." And then he was like, "Okay, I'm coming up there." And this was I think around like, two in the morning. And so he comes up to where I'm living and my roommate was leaving at the time and they kind of like, crossed paths and he was like, "Hey, uh, like, who – who are you?" Because it's out in the country so it's ki- it's odd to see a car out there.

Q: (Kyle) was asking who is this or…

A: My roommate did.

Q: …your roommate is asking who are you.

A: Yeah.

Q: Okay.

A: And then he said, "Oh, I'm [redacted]s boyfriend." And I had told my roommate everything that had happened and he was like, "Like, whoa. Like, you guys aren't together anymore. Why are you saying that...

Q: Right.

A: ...you're her boyfriend and coming up here?" And so he shot me a text message saying like, "Hey, is okay that he's here?" And I was just kind of like, "Yeah, that's fine." Um, and the whole entire time I had a conversation with him as he's saying that he's driving up here I'm telling him like, you know, "I don't want you coming over here if it's just going to lead into an argument because I don't want you here."

Q: Right.

A: So he came over and was trying to like, sweet talk me and – and try to get back together but then he, um, took my phone and my laptop and was trying to run off with them so he could like, search through them basically to see if I had been talking to anyone new.

Q: Okay.

A: Um, and so I was trying to get my laptop back from him and that's when he – I – I finally got it from him and I was – I ran into my room and was trying to lock the door and I was telling him that he needed to leave. Um, and then he was grabbing me and dragged m- like, kind of basically like, dragged me around, not on the ground necessarily...

Q1: Was your roommate still there or did he end up leaving?

A: No. He had left.

Q1: Okay. So nobody else was there.

A: Mm-hm.

Q1: Okay.

A: Um, so we were kind of just like, uh, wrestling around and that's when he grabbed my hair. He almost pushed me down the stairs. And then I finally like, got down the stairs and he pushed me up against the wall and like, had

grabbed my face and was screaming at me and telling me that it was my fault that the relationship ended and like, look what I did to us and – and that sort of thing and I – somehow at one point we ended up back upstairs where my bedroom was and, uh, like, got really weird and was trying to basically like, have sex with me. And, uh, it was almost like, uh, like, he'd n- we'd n- nothing ever happened but he was forcing my clothes off and was like, pulling my pants down. I was in my PJs and he actually ripped them because he was trying to rip my clothes off of me. So it was like, almost like, it o- if it had continued it was like, almost rape status.

Q: Okay.

A: But nothing ever happened because he finally left.

Q: He stopped.

A: Mm-hm.

Q: Why do you think he stopped?

A: Um, I don't know. I don't remember but he – I think it just kind of like, dawned on him that we weren't going to get back together and so he was really upset and that's when he left. I think because I had told him that I had hung out with my ex-boyfriend is what really made it stop.

Q: Okay. Any alcohol involved that night?

A: No.

Q: Okay.

A: Actually he did smell like he had been drinking.

Q: That night?

A: Mm-hm.

Q1: And you keep saying up there. W- where – where was this happening?

A: Oh, I live like, up in the country…

Q1: Okay.

A: …like, up in the hills so.

Q: Is it – are – are you still living there?

Q1: Oh, okay.

A: Yeah.

Q: What's the address there?

A: It's [redacted]

Q: Rimrock?

A: Mm-hm.

Q: Two words?

A: Uh, no, one word.

Q: Okay. And that's in…

A: Clovis.

Q: It's in Clovis.

Q1: W- where's that at? I haven't heard that one.

A: It's, um, up the 168 and then…

Q1: Okay.

A: …you go down Sample Road…

Q1: Okay.

A: …quite a bit of a ways. And then it eventually leads to that turning…

Q1: [redacted]?

A: Uh, it's, um, Stony Hill Lane and…

Q1: Okay.

A: …and that – there's like, a street that you can turn on [redacted].

Q1: Got it. Okay.

Q: [redacted]?

A: Mm-hm.

Q: Okay. What's your phone number again?

A: Uh, [redacted].

Q: And spell your first name (unintelligible).

A: [redacted]

Q: And your last name.

A: [redacted]

Q: Did you get my email by the way that I sent you?

A: Yeah, I did.

Q: Okay. Good. Okay. Uh, and your birthdate?

A: [redacted]

Q: Okay. So let's go back to this night. Um, and I apologize for keep going back but...

A: It's okay.

Q: ...just – it's more of a details thing that I need to make sure that I got everything that happened. So, uh, he takes your phone and your laptop 'cause he wants to see basically what you've been doing, who you've been talking to.

A: Mm-hm.

Q: You get in an argument, you're kinda getting it back from him.

A: Mm-hm.

Q: Um, is there like, a struggle over it?

A: Yeah.

Q: Okay. But you're able to get those things back at one point?

A: Yeah. Um, he at one point had run into my bathroom and, um, before he could close the door I put my leg in between the – the door and the doorframe so he couldn't. And so I eventually like, squeezed my way into the bathroom and grabbed my laptop and then ran into my bedroom with it.

Q: Okay.

A: And, uh, I think he said that he was going to leave and he went downstairs at one point because somehow I managed to hide my laptop and my phone underneath my, um, like, a spare bedroom mattress.

Q: Mm-hm. Mm-hm.

A: Um, and then we kind of like, fought after that and, uh, it – it eventually led to a conversation about it – whether or not I had hung out with my, um, ex-boyfriend of not. And then I told him that I did and that's when he was – got really upset and it wasn't like, an angry upset. It was just like, a sad upset.

Q: Mm-hm.

A: And then I think that's when he finally left.

Q: Okay. So the hair pulling incident, that happened during the struggle for the – the laptop?

A: Yeah.

Q: Okay. Um, was your hair in a ponytail? Was it just off? Was it…

A: Mm-hm. A ponytail.

Q: Okay. So kinda like how you're wearing it now?

A: Mm-hm.

Q: And he pulled you by the hair to kinda bring it back – bring you back to him so he could get the laptop?

A: I think so. Yeah.

Q: Okay.

A: It was just kind of like, a like, wrestling match…

Q: Just a struggle.

A: ...basically and it was right at the top of the stairs so, um...

Q: (Unintelligible).

A: ...at one point he almost knocked me down the stairs.

Q: Okay.

A: And then so I started running down the stairs and then he, um, grabbed me and like, pushed me up against the corner of the wall that's right there at like, at the base of the stairs and that's when he like, grabbed my face because I was kind of like, looking away.

Q: How did he grab your face?

A: Um, well, I was looking away from him and he grabbed me by like, right here and was...

Q: Mm-hm.

A: ...um, like, screaming at me to look at him and to look him in the eyes. That's...

Q: Okay.

A: ...he was like, screaming at me.

Q: Okay. And that's what he told you that this was your fault.

A: That it was like, my fault and that...

Q: Okay. Why you guys were where you're at.

A: Yeah.

Q: Okay. Um, and so does that stop?

A: Um, I...

Q: Because you – oh, that's when you said that – that he had asked about if you had seen...

A: Yeah. It wasn't necessarily in that like, fluid of a motion. It was him basically like, yelling at me that – all of that stuff and I think I started crying and – and then he had make – must have like, let go at that point.

Q: He was calmed down at…

A: Y- yeah.

Q: …at a certain point. And so the conversation then came up about you and your ex and…

A: Yeah.

Q: …you had told him that it was and so he just – it was more of kind of a, um, like, a sad anger…

A: Mm-hm.

Q: …type of thing.

A: Yeah.

Q: Okay. And then that's when he left? Well, actually no, let's back up.

A: Y- at some point of that, uh, he got calm and then we ended up back in the bedroom and that's when he like, ripped my clothes.

Q: Okay. Okay. But there was conversation about – during the ripping of the clothes the – when the conversation came or…

A: Um, I think it – it kind of like, went back and forth. He would – he was mad and would be really angry and then he was trying to like, um, like, kind of be close with me and like, m- try to make everything okay. And then if I said something that upset him then it kind of went back to being mad.

Q: Okay.

A: 'Cause this was over like, a course of probably I'd say like, maybe two hours.

Q: Okay. So he's being – at one point he's physical with you trying to get your clothes off.

A: Mm-hm.

Q: Um, are you telling him no or…

A: Yeah. I was telling him no.

Q: Okay. Um, and he's, uh – has – has you on the bed?

A: Mm-hm.

Q: Um, and he's actually ripped…

A: Yeah.

Q: …your pajama bottoms?

A: Mm-hm.

Q: Ripped 'em where?

A: Um, it like, ripped on the seam on like, the…

Q: Okay.

A: …like, kind of like, the crotch area.

Q: (Unintelligible).

A: Yeah.

Q: Um, was that s- actually intention – his intention or was it just him trying to take them off or get them off?

A: I think it was m- a little bit of both.

Q: Okay. Did he ever get to a point where he started undressing himself or opening his pants or anything like that?

A: Yeah.

Q: It did?

A: Mm-hm.

Q: Okay. Um, how far did it go?

A: Um, it – well, he got my pants off to, um, basically my knees and then I was still struggling to try to get away from him and he was kind of like, pulling my

leg – kept pulling my legs as I was trying to get away. And then, um, I started crying and was telling him to stop and he just kept going. And then I think eventually it just kind of like, kicked him away and stood up and pulled my pants back on.

Q: Okay. Um, you say he had his – your pants down to about your knees.

A: Mm-hm.

Q: Underwear on?

A: I think he had pulled 'em down with it.

Q: Okay. So your – your…

A: Because I was just like, completely like, halfway naked.

Q: Okay. And what was his state of dress at that time?

A: Um, he was wearing his regular clothes. Um…

Q: On, off? Were they coming off? Were they…

A: Um, I think just like, a regular tee shirt and jeans and at the time I noticed when he had come back up into the room that he like, obviously had an erection going on. And, uh, so at that point that was when he was trying to get close to me and I told him no. And then he pushed me onto the bed and started trying to take my clothes off. And I think he kind of like, unbuttoned a little bit.

Q: Okay. But the – he stopped before anything happened?

A: Mm-hm.

Q: So there was no actual penetration or anything like that?

A: Mm-mm.

Q: Okay. Um, nothing with hands?

A: No.

Q: Nothing.

A: Mm-mm.

Q: Okay.

A: 'Cause I was fighting him off the entire time.

Q: Okay. Okay. So he stops and just kinda that's it and that conversation happens and then he leaves.

A: Yeah.

Q: Okay. So he leaves. Um, and this is all over about a two hour period.

A: Mm-hm.

Q: Again did you call the police at that time?

A: No.

Q: Okay.

A: I e- what – it did cross my mind because when we were, um, arguing it – it's out in the middle of the country.

Q: Right.

A: And I don't have a signal even if I wanted to call them. And in my head I thought oh my god. I'm out here. We're in the middle of nowhere and – but I was scared.

Q: Okay. Okay. You said he – he did smell of alcohol.

A: Yeah.

Q: (Unintelligible) had you been drinking?

A: No, not at all.

Q: Okay.

Q1: Paja- pajama bottoms?

A: Hmm?

Q1: The ripped pajama bottoms.

A: Mm-hm.

Q1: Do you still have those?

A: Yeah.

Q1: Where are they at?

A: At my house.

Q1: At your house? Okay.

Q: Okay. Um…

A: And now that I think about it too I think what really calmed the situation down was I started, um, when I was crying I was telling him that he had ripped my – my pants and he was like, "Who cares?" And I was like, "It – that's easy for you to say. Like, you know, I'm not the wealthiest person." And I – he – we always had this thing about money and he would always kind of (unintelligible) me about the fact that he made more, that he paid the bills, and – and all that and even though I didn't make as much as him I would always spend money on him or our children and so I was really upset that he had ripped my – 'cause they're Victoria's Secret pants. And so he – I was like, "You can go buy new ones. And now like, you ripped my only cute pair of PJs." Or that – we had that conversation.

Q: Okay. So this again happened in February. That happens. You're actually moved out now so…

A: Mm-hm.

Q: …anything after that?

A: Yeah. Um, he had invited me over, uh, to try to like, just hang out and work on things and it was kind of like…

Q: Still the relationship?

A: Yeah.

Q: Okay.

A: And this was – I don't remember the exact date but it had to have been sometime in February.

Q: Okay. So that was late January and now this is more like…

A: Like, mid-February.

Q: …in the middle, end – mid- February. Okay.

A: It's probably actually more so like, the way beginning because it was, uh – it wasn't Valentine's Day yet. I know that.

Q: And so couple weeks after the last incident?

A: Maybe like, a week after this.

Q: A week after. Okay.

A: But he had invited me over, um, and I went over there. And when I went to the house he had, um, our – our kids used to share a room together and so that door was shut. And so we were kind of like, trying to hang out and like, not talk about anything just see…

Q1: What time is – of day was this?

A: Um, I'd say maybe around like, one.

Q1: Afternoon?

A: Yeah.

Q1: Okay.

Q: So you show up, the room to that – where your kids were at was closed.

A: Mm-hm. Yeah, and I mean, that his friend had been like, staying there, um, but he was always lying to me about things so I was like, "Oh, has ([redacted]), um, been staying here?"

Q: Mm-hm.

A: And he was like, "Um, he – he stays here at time – from time to time." And as he's saying that I open the bedroom door and all of that guy's stuff was now in that room like he lived there. And I was like, "Why are you lying to me about him not moving in when he clearly has moved in and lived here?" And so I stormed off and like, left the house. And then eventually I came back, um, because he had been texting me. Um, and I came back…

Q: So it's the same day?

A: Yeah.

Q: Okay.

A: So maybe like, I wasn't there for five minutes when I sa- opened the door and saw that and was like, "I'm so done with you and…

Q: Right.

A: …your lies." So I left and then I decided you know what? I need to get all of my stuff out of that house right now. And so I went back and started…

Q: At what time?

A: I would say maybe around like, two.

Q: Okay. About an hour later?

A: Maybe. Yeah.

Q: Okay.

A: Um, and so I went back and started like, taking all this stuff out of where their toy room used to be, you know, moved all his stuff in like, to be an office and moved his desk and stuff.

Q: Okay.

A: Um, so I started like, moving all that stuff and that's when he got really mad that I was taking that stuff. And I was like, "It's my stuff. Like, I'm not gonna leave my stuff for you to have." Um, and so that was when we really got into a huge argument and he tried to stop me from leaving and I kind of like, pushed him out of the way to try to get by him and move my stuff. And then he just like, lost it and like, picked me up and threw me onto the – the hardwood ground, um, and then s- uh, it was so much so that I landed on my elbow and I thought I had like, broken my elbow. And, uh, he was just pushing me around and, uh – um – uh, that's the point where he grabbed me by my hair and drug me completely across the entire width of the room. Um, and i- i- at that point I tried to – I – I got my phone out and I was trying to call 911 if not to like, talk to anyone, just to like, have it going…

Q: Sure.

A: ...beca- so like, someone would like, believe me that this...

Q: Mm-hm.

A: ...is happening.

Q: Mm-hm.

A: Um, and then but he grabbed the phone out of my hand and hung up because he saw that I was trying to – what I was trying to do. And then he started screaming at me that I was going to make him lose his job again. And, uh – and th- the like, wrestling was still going on and so I actually tried to call again and then that's when he grabbed the phone out of my hand again and hung up on it. Actually now that I think about it the time on that was, um, I think it was 2:30 is what it said. I still have it on my phone,

Q: You still have it? Okay.

A: Mm-hm. I think it said it was like, 4 – 1430 or something.

Q: And it should have the date on there too (unintelligible).

A: Yeah.

Q1: So what phone number is that that you called from 911?

A: Um, yeah.

Q: That number you gave me? Um, [redacted]?

A: Yeah.

Q: That's that number? Okay.

A: So it was February 4.

Q: At 1450 and again 8 minutes later at 1458. Okay. Okay. So he gets the phone away from you both times...

A: Mm-hm.

Q: ...um, and hangs up and then what happens?

A: Um, then we kind of, uh, were still kind of wrestling around and then, um, he had picked up and – and threw me on the ground so hard that I w- my elbow was extremely hurt. I was actually injured on my right side of my body.

Q: This is now a second time or the – the first time where he actually threw you to the ground?

A: The first time.

Q: Okay.

A: Um, and so I was just like, sobbing and i- he had like, drug me by my hair and stuff. And I was injured on my right side of my body from – I was, uh, riding my dirt bike and I had like, my dog ran out in front of me so she made me like, fall on it.

Q: Okay.

A: Um, so I was a little scraped up and he had actually told me while I was trying to call the police the first time that, uh, he was just going to say that it was from – from my dirt bike that I was already injured on the side of my body so they wouldn't believe me about the other side. Um, and then, uh, after I was crying so hysterically he picked me up and he set me on the couch and kind of like, set me on his lap and sat down and was trying to talk to me like, in a calm manner. And, um – and I told him that I had told my dad to come over to help me move some of my stuff so my dad was on his way over. And then eventually, um, his roommate came home and so that kind of like, deescalated everything.

Q: Okay.

A: And then so I was still trying to move my stuff out because once his roommate got there his whole demeanor changed and it went from him trying to l- like, say sweet things and tell me that – that he wanted me to like – wanted things to work out...

Q: (Unintelligible).

A: ...to when his roommate was around he was like, "Oh, I'll help you move your stuff out." And it was kind of like, he was trying to make it seem like, to his roommate like, oh, we're not getting back together. I'm – she's just over here getting her stuff.

Q: Okay.

A: And so that upset me and I actually had ended up, um, in the bedroom and I locked the door while his roommate was there and he completely broke down the door. Like, it just snapped into pieces because he knocked it – just ran right through it.

Q: Okay. So that happened during the fight?

A: This was after it.

Q: Oh, so after the fight?

A: Mm-hm. And…

Q: And before him picking you up and s- sitting him on his – on your – in his lap?

A: This was after that.

Q: After that?

A: Mm-hm.

Q1: When the roommate's home.

A: Yeah.

Q: So the roommate was in the room or you had ran into the room (unintelligible)? I missed that part.

A: Yeah, because I w- I was – once his whole demeanor changed it really upset me and I was…

Q: Right.

A: ..yelling at him telling him like, "Look at you. Like, you're such a liar." Um, and was like, "Y- you – now that your roommate's home now you're – like, you're changing your whole story about things…

Q: Right.

A: …and you're trying to act like you haven't been saying all this stuff to me." And so I got mad and I went to the bedroom to see what like, stuff was in there of mine that I was going to take with me. And I knew that he was going to follow me in there so I locked the door so he wouldn't be in there. And then

he started banging on the door and then that's when he just like, completely smashed through it.

Q: And the roommate was home at that time?

A: Mm-hm.

Q: Okay. What'd the roommate do or say?

A: Um, nothing really. He just s- sat in room. He kind of went into his room and closed the door because he heard us arguing.

Q: (Unintelligible). Eh, I'm a little confused then. So it's in the roommate's room that you're…

A: No.

Q: Oh.

A: We were – I was in our bedroom.

Q: I see. Okay. So you were in the – the master bedroom…

A: Mm-hm.

Q: …or your guys' bedroom. The roommate's home but he's in his own room.

A: Yeah.

Q: You had closed the door to the master bedroom.

A: Yeah.

Q: And then that's when he…

A: (Unintelligible).

Q: …busted the door down.

A: Mm-hm. Okay. Um, and so he didn't say much? He was just in his room?

A: Yeah.

Q: Oh. Okay. So then what happens?

A: Um, and then I think I – after he had broken the door, um, he had told me that to leave and to – to get out of the house because that he was trying to make it seem like to his roommate that I was like, the crazy person and that I like, make everything up. And I think I went outside and sat in my car and waited for my dad to come. And then my dad finally came. And then we c- like, moved, uh, stuff into his truck and then we left.

Q1: Okay. Did you tell your dad anything that had happened?

A: Um, not at that point but my dad was – would always ask me questions because he saw all the bruises on me the first time and he – and he never liked him so he kind of had his suspicions about it.

Q: Mm-hm.

Q1: Did your dad ask about the destroyed door frame?

A: Um, I don't think he noticed it really because…

Q1: Okay.

A: …if it was open it – like, you can't really tell.

Q1: Okay.

Q: Did your dad go in the house at that time or did – he was waiting – you said you went outside.

A: Partially because I had moved everything into the hallway near the garage door.

Q: Okay.

A: So he kind of only went into the front area into the living room to get some of the small things and then…

Q: Mm-hm.

A: ..whatever was on the other side.

Q: Okay.

A: So I don't think he ever actually walked through the house.

Q: Okay. So you leave with dad with your s- belongings.

A: Mm-hm.

Q: And this again was February 4.

A: Yeah.

Q: Anything after that or was this the ultimate…

A: I think that was the final one.

Q: …the la- the final one that time?

A: Mm-hm.

Q1: When you dialed 911 did somebody answer?

A: No, it never connected.

Q1: It never connected?

A: Mm-hm.

Q1: Okay.

Q: Um, so it's February 4 and you've left and you've gotten all of your stuff. What happens next?

A: Um, I still have some stuff over there but that was – other than, um, a little while after that we tried to make up and – and talk about things. Actually it was that same night. I had…

Q: Okay.

A: …gone back over there and I – and we had talked about maybe like, working things out and, um – and I had told him like, "We – we just don't work together. Like, we are to the point where it's extremely physical. Like, I don't trust you. You're a liar." And, uh – and – and then that – the next day I had come down, um, into town to go to class and the whole time he had been telling that he wanted me to get back together with him and – and all that but I caught him with another girl. So after that I was just kind of like, okay, you were completely a liar and I haven't really spoken to him since.

Q: Okay. Um, and nothing's happened since that last time?

A: Mm-mm. Other than me like, seeing her and I'm s- uh – uh, and then I tried to get my stuff that day and I…

Q: Seeing who? The girl?

A: Yeah. When he was with her, um, then I – I think I went over there with my dad and my friend to get some of my stuff out of the garage but that was – that was officially the last time that I had ever saw him.

Q: Where did you see the girl?

A: At…

Q: At the house?

A: They were at, uh, this breakfast place that was like, down the road from his house. And so then I went over to the house to try to get some of my stuff out, um, and I was like, crying and stuff. And then my car battery died in front of his house. So then I was stuck there and he kept driving by with the girl like, waiting for me to leave telling me to leave. And, uh…

Q: (Unintelligible).

A: Yeah. And so…

Q: Well, let's back up a little bit. How did you know they were at the breakfast place?

A: I didn't. I just went over there and – and I saw his truck out there and I – I pulled into the place and I walked in there and he was standing there with her and I was – I just asked him if I could talk to him outside and – and then talked to him and I was like, "Are you kidding me?" You know, you're m- yelling at him and telling him that he was a liar as usual. And then, uh, I had gone back over to the house and I didn't know that they were gonna come over but then he did and he came over with her.

Q: Okay.

Q1: The breakfast place, was there yelling and screaming and stuff (unintelligible)?

A: No.

Q1: No? (Unintelligible).

A: Uh, a- actually I was pretty calm because I was more like, in shock and like, upset about it.

Q1: Right.

A: And so I mean, not necessarily surprised but..

Q1: Would have any – anybody called the cops (unintelligible)?

A: No. It was completely calm.

Q1: Okay.

A: Like, I even said hi to her and like, introduced myself.

Q1: Mm-hm. Okay.

Q: Um, and I've got to ask 'cause again it's gonna be asked. Why did you keep going back if these things happened to you?

A: I have no idea. Because I loved him basically.

Q: Okay. Um, have you been in any prior relationships that were physical?

A: Mm-hm.

Q: You have?

A: Yeah.

Q: Okay. Um, how many would you say if...

A: Um, just I haven't really been in that many relationships but my son's dad was like that. Um...

Q: What's your son's dad's name?

A: ([redacted].

Q: Okay. Do you have a phone number for him?

A: Um, I don't know it by heart.

Q: How is your guys' relationship now?

A: Um, it's kind of like, hit and miss…

Q: Okay.

A: …some days.

Q: (Unintelligible) as with somebody that's a relationship that doesn't work out with. Kids can come…

A: Yeah, we…

Q: I've been there myself and I know how it works.

A: We don't talk at all whatsoever.

Q: Right.

A: W- we only see each other when we like, do a child exchange.

Q: Gotcha.

A: His number is [redacted].

Q: Mm-hm.

A: ..[redacted]

Q: Okay.

A: But we're still in the middle of like, a custody battle.

Q: Okay.

A: But there's a lot of inst- like, incidents that occurred with him.

Q: Okay.

Q1: Were any of those reported to the police?

A: Yeah.

Q1: Okay.

Q: Which department handled that? Do you know?

A: Clovis.

Q: It was Clovis?

A: Mm-hm.

Q: Okay. Anything else that we may have not covered?

A: Um, I think that's pretty much it other than like, um, little argument – 'cause we argued all the time. So much so that I slept on my c- in my car on like, multiple occasions just to get out of the house.

Q: Okay. What, um, so this was February 4. Obviously we looked that up and that was (unintelligible). When did you report this finally?

A: Um, I think it was the 18th.

Q: Of February?

A: Yeah. Or I think it might have been a little bit after that though actually. I think when I wrote my like – wrote it all out was around the 18th and I think I finally, um, had like, sent it in maybe like, a week later.

Q: What made you finally report it...

A: Um...

Q: ...after all this time?

A: I wasn't necessarily looking to like, press criminal charges. It was just more so, uh, like, just because he is just such a dishonest person and I'm like, astonished that he would have the job that he does...

Q: Mm-hm.

A: ...because if he's that dishonest i- in relationships and in th- his personal life like, I can't imagine the things that he does and says like, that aren't true while working here e- even as far as like, you know, making stuff up for some m- not necessarily innocent person but, you know, if someone has an attitude with him or whatever and he – all he has to do is just lie about it and get that person in trouble. I just don't think that's right.

Q: Okay. Um, so you wrote it and you sent it and because it was more of the principal of the fact that how much of a liar he is.

A: Mm-hm.

Q: Um, and I agree that people in this profession shouldn't be like that. Um, and you mention it wasn't about pressing charges. Do you wanna press charges now? Not that it matters any. I'm j- I'm asking.

A: If – if I could, yeah, but I w- I dealt with the same thing with my, um, son's dad and…

Q: Mm-hm.

A: …um…

Q: What happened then?

A: He got arrested at one point but then the charges were just dropped because it's like, just my word against his basically so I just kind of felt like it was a waste of time to do something like that when nothing is even really going to like, occur with it.

Q: Did it ever go to court or anything like that?

A: No, they dropped it.

Q: They dropped it before it even got…

A: Mm-hm.

Q: …to that point? Okay. Okay. So the answer the question is do you wanna pursue charges now because…

A: If I can, yeah.

Q: Okay. Am I missing anything or (unintelligible)?

Q1: Not right now. We'll take a break real quick.

Q: Can – can I grab you – can I grab you…

Q1: (Unintelligible).

Q: …a bottle of water?

A: Yeah. That would be great.

Q: Okay.

A: I'm feeling really bad because I had onions on my salad. I'm like…

Q: So did I so…

A: …I hope I don't have bad breath.

Q: …so our onions are (unintelligible).

Q1: (Unintelligible).

Q: All right. Let me grab a bottle of water and…

Q1: Then be right back.

Q: …be right back.

Q1: (Unintelligible).

Q: Here you go.

A: Thank you.

Q: No problem. We'll be right back.

A: Okay.

Q: (Unintelligible) or are you okay?

A: No, I'm fine.

Q: Okay.

A: Thank you.

Q: All right. Sorry (unintelligible). Okay. So do you mind if we have somebody come and take a photograph of your arm?

A: No, that's fine.

Q: Okay.

A: Um…

Q: Um, go ahead.

A: Oh, I was just – no, go ahead. I was just thinking about the question that you had asked me and I was thinking why did I keep going back? But I was thinking in hindsight it's m- m- like, mainly I think because I used to live with my mom, um, because I a- I can't afford to – a place on my own because I have a – a child so it's kind of hard to have a two bedroom apartment and – while I'm going to school and stuff. And my mom had actually moved to Oregon and I used to live with her. And so when I – when he – when she moved that's when he and I moved in together. So I really didn't have any other place to like, live.

Q: Okay.

A: So I think that kind of had a lot to do with it. But anyway.

Q: Okay. Okay. Um, the phone that you gave to, uh, Sergeant ([redacted].

A: Mm-hm.

Q: Um, I'd like to look at it as well. Could – are you okay with that?

A: Yeah. I think it's...

Q: No, no. I w- I – I'm sure that we s- we have access to it but...

A: Oh, no, they gave it back to me.

Q: Oh, they did. But...

A: Uh, unless they have all that stuff on there.

Q: Yeah, no. I – I'm sure that they do. Um, you're okay with me looking at that stuff too?

A: Yeah.

Q: Okay. Um...

A: Now are they...

Q: Go ahead.

A: ...able to go on there and get like, messages or is it the pictures?

Q: Um, I – I – I'll confirm what they actually were able to get off the phone.

A: Mm-hm.

Q: Um, 'cause sometimes we have abilities depending on the phone and everything else to – to actually pull deleted messages and – and whatnot so.

A: Uh-huh.

Q: Um, photos, anything like that. So…

A: 'Cause the – it would be great if those photos were able to…

Q: Sure.

A: ..come off of there.

Q: Right. Okay. So you're okay with me looking at the – for that?

A: Yeah.

Q: Okay. Um, let me ask you this because I'm gonna end up talking to him. What is he gonna say m- happened during these things?

A: Um, if he denies it like, he might deny it altogether and just say that I'm making it up or, um, I don't know, maybe make it seem like I was attacking him. Otherwise I don't know what else he would really say.

Q: Okay. Was there ever a point – um, and it's okay if you did. I'm not – I'm not here. Uh, was there ever a point that you were the one the aggressor that had started things?

A: Um, during our last argument I m- like, I was probably the aggressor in that, not physically but just provoking the argument.

Q: Right.

A: But, um, other than that, no.

Q: Ever – ever a time physically were the aggressor?

A: Um, maybe a- as far as pushing him away when I was trying to get by the door. That's the only time I ever really laid ha- my hands on him o- other…

Q: Okay.

A: ...than like, when I was getting – trying to get away from him.

Q: Okay. Is he going to offer any scars or scratches marks or anything on him that...

A: No.

Q: ...ever happened from you?

A: Not unless he's making it up.

Q: Okay. So he doesn't have any scars or anything that...

A: No.

Q: ...from any of these fights?

A: Absolutely not.

Q: Okay. Um, and again I'm just trying to think of ahead of time...

A: Yeah.

Q: ...so I can (unintelligible).

A: The only thing that I can – um, that I'm going to assume that he's probably more than likely going to do is, uh, with his roommate try to get him to like, go along with like, the same story.

Q: Okay. And that was...

A: ([redacted]).

Q: ([redacted]).

A: He – he was...

Q: What, um...

A: ...he was there for when he broke down the door but...

Q: Right.

A: ...he – they might try to get – like, come up with some story together that maybe it was like, me that did it or something or...

Q: Okay.

A: ...I don't know. You never know.

Q: Right. What's ([redacted]'s last name? Do you know?

A: I think it's, um, ([redacted]).

Q: How old is he?

A: I think he's like, in his 30s. I think he – actually he's probably in his late, maybe early 40s. He's older.

Q: Okay. He's a friend of his?

A: They're – yeah, they're both in the Army together and they've been friends for a long time.

Q: Gotcha. Okay. Um, let's see. Any phone number or anybody or anyb- way to get ahold of ([redacted])?

A: Yeah. I have all of their phone numbers.

Q: (Unintelligible).

A: Um, ([redacted]) was asleep for the whole thing.

Q: Right.

A: I think he maybe woke up when, um – I don't know if it was him that woke up or his brother but...

Q: Okay.

A: ...someone woke up when he was banging on the door. I don't know if it was him or not.

Q: But his dad is the one that spoke to him.

A: Yeah.

Q: Right.

A: Um...

Q: (Unintelligible) get ahold of ([redacted]) (unintelligible) his dad.

A: ([redacted])'s number is [redacted]

Q: Mm-hm.

A: ..[redacted]

Q: Okay. How about ([redacted]?

A: His is [redacted]

Q: Okay.

A: And then the other guy that was there, his name is ([redacted].

Q: Oh, that's right. Do you have his number?

A: It's [redacted]

Q: Okay. And you don't happen to have a phone number for ([redacted]), do you?

A: No. I don't think so.

Q: Okay. ([redacted] is your ex?

A: Yeah.

Q: Or the – your child's father.

A: Mm-hm.

Q: Okay. What are your plans after this?

A: What do you mean?

Q: What are you doing after this? What I'd really like to do is actually – uh, are you planning to return home? I'd like to go back to the home with you and – and retrieve those, uh, torn pajama bottoms if you still have them.

A: Yeah, that's fine. It's far.

Q: That – that's fine. Um, okay. Um, sure you're okay with that? I think that's everything that I need unless you have any questions or anything like that.

A: No, I don't think so.

Q: Have you, um – let me point a couple things (unintelligible) go ahead.

A: Mainly my main thing is that I still have like, stuff at – at his house and so I'm scared with all of this going on that now that he like, knows about it that he's going to damage my stuff.

Q: What – what kind of stuff are we talking about?

A: I have my refrigerators over there. I have a washer and dryer in the garage. And then like, little things like, my like, coffee maker and like, cleaning supplies. Like…

Q: Okay.

A: …not things that I'm not really necessarily concerned with but I do have a…

Q: Sure.

A: …table over there that I – that I wanted to get back.

Q: Okay. Let me explain to you how it works and d- in any normal circumstance like this we (unintelligible) whoever's involved.

A: Yeah. I understand it's like, a civil issue.

Q: Yeah. So, um, here's how it works. It – it is where it's at. I can – I'll be more than happy to ask if he's willing to give those things up, uh, and back to you.

A: Mm-hm.

Q: Um, and we as a department are more than willing to stand by while you grab those things so that there isn't an issue.

A: Mm-hm.

Q: Um, but if he comes up with some reason as no, I paid for some of those things even if he didn't…

A: Mm-hm.

Q: ...or no because those are my things or whatever the case may be then we – we just can't...

A: Yeah.

Q: ...give it to you. Um, we – we can't forcibly take those things...

A: Yeah.

Q: ...and give it back to you. So it'd be something that you guys would need to work out civil courts.

A: Yeah.

Q: Um, I would be more than happy to ask him when I do talk to him about those things. Is that what you'd like me to do?

A: Um, well you don't necessarily have to. I...

Q: Uh, you tell me. It doesn't matter.

A: When I was over there the last time I, um, asked him to give those things and he kinda refused and said that if I wanted to get them back that I'd have to take him to civil court. And I...

Q: Okay.

A: ...said, "Okay, that's fine."

Q: Okay. Um, so you do or do not want me to ask him again?

A: Um, y- yeah. I mean, it's worth a shot.

Q: Okay.

A: Especially if he's...

Q: All he can say is no.

A: ...under pressure...

Q: Right.

A: ...maybe he'll...

Q: But there's a chance he says sure. (Unintelligible).

A: Yeah.

Q: Okay. I will ask that. Um, these type of reports, um, are r- as you know or are aware of police reports are somewhat public knowledge.

A: Mm-hm.

Q: Um, and so news agencies, people getting ahold of these crime reports and they, um, have access to, uh, certain things on these reports.

A: Mm-hm.

Q: Um, because of that crimes of this nature, domestic violence nature, um, often, um, or do qualify for what's called confidentially for the victim.

A: Mm-hm.

Q: Um, in this case you would be the victim, um, and confidentiality means your name, your address, your information, everything in the report is stricken and you're just listed and confidential victim and it's not your – your name, your address (unintelligible) where somebody could actually look you and – or whatnot.

A: Okay.

Q: Is that something that you're interested in doing?

A: Yeah.

Q: Okay. So I will list you as confidential. Um, I'm gonna grab you some paperwork in regards to domestic violence issues. Um, I cannot offer you an emergency protective order at this time because there's no emergency...

A: Yeah.

Q: ...or exigent circumstance but you're more than welcome to if you feel that need to do to go down and apply for a restraining order at any time. I mean...

A: Mm-hm.

Q: ...you have – everybody has the right to do that. Um, so if you do decide to do that you can go down to the fourth floor of the Fresno County courthouse and

they have the paperwork there and you can fill out and – and apply for that and go from there.

A: Okay.

Q: Okay?

A: Um, there was something that I did forget to mention.

Q: Okay.

A: Um, throughout our relationship anytime, uh, we would get into like, arguments like that and we'd kind of like, make up it got to the point where he like, we would have sex afterwards but it was like, he was extremely forceful and he would not n- do it like, the normal way. He always wanted to – like, it's really personal but...

Q: Right.

A: ...he wanted to do it like, anally.

Q: Okay.

A: And so, um, there was one time when we were kind of arguing and he kind of did the same thing that he tried to do, um, at the place that I'm living right now and he actually like, forced his way into doing that. And, uh, I was like, crying hysterically the entire time. I was telling him to stop and he didn't stop.

Q: Okay.

A: That's one thing that I did forget to mention.

Q: Okay. Well let's and I – and I know it's uncomfortable but I have to actually get more into detail on that.

A: Mm-hm.

Q: So when – when was this?

A: Uh, gosh. I don't even know. It was...

Q: So it's the end of January, early February when you move out and you're in this new place.

A: Probably around like, December. Eh, this w- this happened before that had happened at the new place. I was still living with him at the time.

Q: Oh, okay. So you're at the house on...

A: [redacted]

Q: ...Renn. Okay. So it's late December before the incident that we spoke of...

A: Mm-hm.

Q: ...of the – before the, uh, New Year's?

A: Yeah.

Q: Okay. So late December. Nighttime, daytime?

A: It was nighttime.

Q: Okay. So it's nighttime. You had gotten into an argument about something?

A: Yeah, I don't remember – I – I think it was during one of those, um, times that I mention but so- some way or another we were in the bedroom and he like, forced his way into doing that.

Q: Well, let's back up then. So it's an argument. You don't remember what it's about. Did it get physical any point at that night?

A: Yeah. Um, it – I – was sometime after one of our like, main arguments and then a little while later...

Q: What do you by physical though? He hands on again?

A: No, it, uh – I mean, it was like, one of those times that I mentioned but then it – like, time had passed and then after that then he w- would always get to the point where it was like, um, basically I needed to like, pay for like, what I had – like, our argument.

Q: Okay.

A: And, uh, so it would like, lead to like, us having sex and, um, that was when he forced his way into doing that.

Q: Okay. So it was more of a m- make up I guess, uh...

A: Yeah. But and his…

Q: …but – but in your words it – it's…

A: The way he would say it was that I basically like, needed to…

Q: This is your punish…

A: …be like, punished. Yeah.

Q: Okay. So as a form of punishment…

A: Mm-hm.

Q: …you, eh, (unintelligible) won't say that you – you were forced to have sex with him because it – it sounds like you were willing?

A: Yeah.

Q: Okay. So you had sex, um, willingly…

A: Mm-hm.

Q: …and during an episode – uh, this episode that we're talking about of sex…

A: Mm-hm.

Q: …he, uh, forced anal on you…

A: Yeah.

Q: …is what you're saying.

A: Mm-hm.

Q: Okay. And so h- what happened? Did…

A: Um, we were like – it was normal and then, um, like, he had kind of like, turned me over and then was trying to do that and I was…

Q: Mm-hm.

A: …like, "No, don't do that. Like, that's – that's not gonna happen here."

Q: Right.

A: Um, and then he said something along the lines of like, "No, like, you..." Uh, what did he say? It was something along the lines of that I was going to pay for like, what I had done.

Q: Okay.

A: And then that's when he like, forced his way and I started crying hysterically because I didn't want that.

Q: Mm-hm.

A: And I was telling him to stop but he just like, kept going.

Q: How long did it last?

A: Um, I would – I – I don't know, like, maybe a minute...

Q: Okay.

A: ...because I actually like, had to like – I was crawling away like, trying to get away from him t- crying and try- um, I was kind of like, leaning over the bed and so I was like, m- making my way off the bed.

Q: Okay. Um, was he like, forcing you or holding you from leaving and...

A: Yeah.

Q: ...making you do that?

A: Mm-hm.

Q: Okay. Um, so he finally stops.

A: Mm-hm.

Q: Did he finish but...

A: I don't – no, I was just...

Q: ...do you know what happened?

A: ...crying and I was telling him that I didn't want him to do that and that it hurt and that..

Q: That it's just...

A: ...and was just crying. And he just didn't really say anything. It was kind of more like, okay, well like, get back over here and like, let's do it normal.

Q: And so then what happened?

A: Um, I think e- maybe stopped crying and then went and laid down with him again in our bed.

Q: And did you finish...

A: No.

Q: Uh, that was it?

A: Yeah.

Q: (Unintelligible) stopped all sexual (unintelligible) time?

A: Mm-hm.

Q: Okay. Do you feel that that was done against your will at that point?

A: Yeah, definitely. Um, but then there was like, other occasions where he like, tried to do the same thing afterwards, um, but like, at that point in time that's why I was so scared when he was doing it at, um, w- where I live now...

Q: Oh, right.

A: ...because I thought that he was gonna try to do that again...

Q: (Unintelligible) okay.

A: ...because he was definitely trying to.

Q: Okay. So in your mind now or at the time actually – let's go back to the time. In your mind afterward this has happened now you're laying with him, in your mind does this feel like a rape that happened to you or does it feel like I can't believe that he did that and he just pushed it a little too far type thing?

A: Um, I would say a little bit of both. I mean, we were already in the middle of that but I – I definitely told him no and was trying to get away from him and he definitely forced his way into doing it.

Q: Okay. So – 'cause I'm going to give two examples here. There's more – there's one of wow, I can't believe that y- you did this. I know you wanted to do this all this time but I've been telling you no and no means no and...

A: Mm-hm.

Q: ...okay, yeah, I understand. I just figured you'd like it type of thing. Or there's, uh, yeah, what the hell? I told you no and this is bull shit.

A: Yeah. It was – it was along those lines.

Q: Which one?

A: The second one just because I was w- I was crying hysterically. Like, I couldn't even breathe I was crying so hard.

Q: Okay. Okay. Okay. Um, and so you lay with him. Anything else happen after that?

A: Mm-mm.

Q: Okay. And this is before the incident, uh, that happened, uh, prior to New Year's?

A: Mm-hm.

Q: Okay. And so it may had to have been like, part of the incident that happened prior to that?

A: I think so.

Q: Like, a day or two or actually like, the next day or something because – or the next night? Was it somewhere where...

A: What day did we talk about before the New Year's?

Q: Um, let's see. So we talked about an incident in late July, early August, the very first time. Um, and then we talked about, um, the night where he's flipping out where you took off running and, um, went to the neighbor's place.

A: Mm-hm.

Q: And then we talked about the New Year's (unintelligible).

A: Hmm.

Q: So is this maybe another part that maybe we didn't talk about?

A: Maybe.

Q: Okay. Um...

A: It's hard to say because we argued all the time.

Q: (Unintelligible).

A: So it was like, to the only ones that I really remember are like, the drastic, drastic moments.

Q: Okay. Okay. Anything else?

A: I don't think so.

Q: Okay. So we're okay to look at your – your phone stuff that we talked about?

A: Mm-hm.

Q: You're okay with us following you to get the, um – the pajama bottoms and...

A: Mm-hm.

Q: ...possibly those – those photos that, uh – that you have, um, of your modeling job where (unintelligible)?

A: Yeah, those are on my phone though.

Q: Oh, they're on your phone?

A: Mm-hm.

Q: Okay. You have access to – to email them or print them off or anything?

A: Mm-hm.

Q: Okay. Um...

A: But like I said, the ones that, um – that I have are...

Q: Are...

A: ...kind of far away so I was going to email the guy and see if he can send me any like, close up ones.

Q: Okay. Um, okay. And I think that's it. And we've covered all of the other ones. I've covered the confidentially with you. Um, I've covered, um, the restraining order part...

A: Mm-hm.

Q: ...that – that you're (unintelligible) welcome to go get. Um, I'm gonna give you some paperwork here that, uh, has some information for victims of domestic violence or, uh, counseling and stuff that's available to you. I'm also gonna give you something, um, that this crime falls into a category to where's the, uh, monies that available from the state. There are – uh, they're monies that are just set aside for victims of, uh, violent crimes, um, and this one may or may not qualify.

A: Mm-hm.

Q: Um, it's not really kinda – I mean, it's up to the – the – the, uh, program people who put that on. If you're interested in that there's a phone number for you can call. It's basically set up for people who've had to move out because of things like that...

A: Mm-hm.

Q: ...such as yourself, miss work, um, help with, uh, establish yourself to get to a new place, things like that.

A: Mm-hm.

Q: So you may qualify for some of those monies. It may be worth checking out.

A: Mm-hm.

Q: So I'll get you some paperwork on that.

A: Okay.

Q: Okay? Anything else?

A: No.

Q: Okay.

A: I don't think so.

Q: I think Sergeant ([redacted]) is gonna come in a talk to you about the other side of things.

A: Mm-hm.

Q: He may have a few questions for you. And then at that point, um, we'll get that picture…

A: Okay. Yeah.

Q: …of your arm. And then, uh, can I see that too real quick?

A: Mm-hm. It's, uh – it looks a lot worse when I'm not as tan.

Q: Yeah. I can see it. Um, looks like there's – is it this part as well as a little part here or…

A: Um, I think that's just my skin but…

Q: Okay.

A: …it's just that 'cause it used to be…

Q: Just the (unintelligible) part.

A: …like, um – like, an open sore. In fact I…

Q: (Unintelligible).

A: …always made reference to it in our relationship because I told him that he always say that I needed to get over him like, cheating on me basically.

Q: Okay.

A: And like, I'm like, I s- literally have scars on the inside and the outside from you.

Q: Okay. How do you think you got that? Was it from…

A: Like, a rug burn.

Q: Rug burn?

A: Mm-hm.

Q: Okay. Not like, a fingernail scratch type?

A: No, it was…

Q: (Unintelligible).

A: …from me being on the ground and…

Q: Okay.

A: ..him trying to (unintelligible) from me.

Q: All right. Anything else?

A: I don't think so.

Q: Okay. Well, let me gran Sergeant ([redacted]). He'll come in, do his thing, and then, um, we'll take the photo, and then we'll follow you out.

A: Okay.

Q: Okay.

A: Oh my gosh. I'm so embarrassed 'cause my room is so messy right now.

Q: That's okay. We don't, um, necessarily need to come and view your house. I mean…

A: Yeah. Well, I mean, that's where they are.

Q: Right.

A: And I'm assuming that you're come in there with me so.

Q1: Yeah, we're not here to judge so (unintelligible).

Q: Trust me, my place is not the best right now too.

A: Oh, man.

Q: Okay. One last thing here. If I can just get your signature here which authorizing me to look at that phone information that we talked about.

A: (Unintelligible).

Q: And then one more other thing. I'll give you a copy of this. Uh, and then if you have any contact information for ([redacted])?

A: I do actually.

Q: Oh good.

A: I don't know if she still has the same, um...

Q: You (unintelligible)?

A: ...number. Yeah. Um, it's [redacted] or something. It's like, Japanese. I can spell it for you.

Q: Go ahead.

A: It's [redacted] um, [redacted] phone [redacted]

Q: Okay. What's her number?

A: It's [redacted]

Q: Area code?

A: Yeah.

Q: Okay.

A: .[redacted]

Q: Mm-hm.

A: .[redacted]

Q: How about the other girl that you said that you s- met or – or saw at the breakfast place?

A: Um, her name is ([redacted]) and I – they're still together.

Q: They are still together?

A: Yeah.

Q: How do you know that?

A: Um, just because when I had gone over there to get my stuff the last time, uh, she was there.

Q: Okay. Like, living there now or…

A: I have no idea.

Q: Okay. You have a phone number or anything for her?

A: Um, no. Um, actually I do because I had, uh, after I saw them together I was like, crying and stuff a- um, in the car when I – my car battery had died and I know the way he is. He's like, tries to paint me out to be like, I'm – I was this crazy ex-girlfriend, that we weren't together. Um, let's see (unintelligible). But I had messaged her on Facebook telling her like, "Okay, this guy is not who you think he is." You know.

Q: Mm-hm.

A: Um, and so she like, had given me her number because she – I was trying to tell her that he was a liar and she didn't believe me and wanted to – me to like, send her messages about it or whatever I had.

Q: Okay.

A: I think this is her number.

Q: Go ahead.

A: It's [redacted].

Q: Mm-hm.

A: ..[redacted]

Q: Okay. Great. All right. I think, uh, Sergeant ([redacted]) will come in and then, um, our assistant, um, or police officer ([redacted] he'll come in and actually take the photos.

A: Okay.

Q: Okay.

Q2: Hey there.

A: Hello.

Q2: Hi, my name is ([redacted]). I'm with the crime scene unit. I'm just gonna be taking some photos real quick.

A: Okay.

Q2: What was your name?

A: Kari.

Q2: All right, [redacted] Nice to meet you. Um, I'm gonna take a couple photos of just, um, you standing because we – uh, we always make sure to take a photo of the person so we know whose wrist it is.

A: Yeah.

Q2: (Unintelligible)...

A: Okay.

Q2: ...real quick. You can just stand up. You don't need to smile or anything. Thanks.

A: Sorry.

Q2: That's okay. Okay. Now where are we looking at?

A: It's this one.

Q2: Just the little – the little...

A: Mm-hm.

Q2: ...(unintelligible) right there? Okay. Let me go get a scale real quick and I'll be right back. Um, can you just put your wrist straight down on the table? I'm going to take a couple close up photos and then (unintelligible). Okay. And with one hand if you can just lay that right there that'd be perfect.

A: I'm sorry.

Q2: It's okay. Alright thank you very much. I'm gonna take two photos just like (unintelligible). Okay. That's it.

A: Thank you.

Q2: And it's my understanding that's the only thing that – that we're documenting today?

A: Yeah.

Q2: Okay. Great. Thank you so much for your time.

A: Thank you.

Q: (Unintelligible) okay. Swear this is the last time. So here's the paperwork that we talked about. Here's my card.

A: Okay.

Q: This is the paperwork that we talked about. Your case number is here on the front, 13-4197.

A: Mm-hm.

Q: My information, our phone numbers directly – the one that says voicemail is actually my desk line.

A: Okay.

Q: And my email address is here on the bottom. So okay. Um, what we spoke about, the victim in domestic violence information is all listed here. Feel free to read it. Um, the (unintelligible) is here as well. Sexual assault information if you s- feel you – to read this as well. Um, further assistance as needed and what we talked about, the compensation…

A: Mm-hm.

Q: …is through this one here on the top, uh, where it says here (unintelligible). Okay?

A: Okay.

Q: All right.

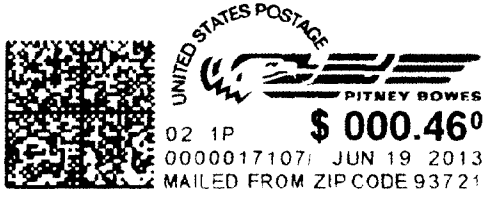
A: Thank you.

Q: Uh-huh.

This transcript has been reviewed with the audio recording submitted and it is an accurate transcription.

Signed_____

[redacted]



Captain [redacted]
Clovis Police Department
1233 Fifth Street
Clovis, Ca 93612

9361213163 3

CLOVIS POLICE DEPARTMENT
MEMORANDUM

TO: Kyle Pennington, Police Officer

FROM: [redacted], Police Captain

DATE: June 25, 2013

RE: Notice of Discipline-Internal Affairs 13-03

Internal Affairs Investigation #13-03 was completed and submitted to myself for review. As a result of this investigation several Police Department policy violations were sustained against you.

Consistent with Department Policy you waived the Disciplinary Review Board and instead elected IA #13-03 be reviewed by a Department Captain (myself) for disciplinary findings. Consistent with Department Policy I reviewed the same documents which were also provided to you. That being the narrative report for IA #13-03.

Based upon my review of this Internal Affairs Investigation, I am recommending your employment as a Clovis Police Officer be terminated.

My recommendation is based on the items sustained within this investigation as well as additional policy violations which were discovered while reading the facts and information within this report. A summary of the specific policy violations are as follows.

Section 340.3.5 (aa)- Any other on duty or off duty conduct that any employee knows is unbecoming a member of the Department or that is contrary to good order, efficiency, or morale, or that tends to reflect unfavorably upon the Department or its members.

Section 340.3.5 (i)- The falsification of records, the making of misleading entries to deceive, or the willful and unauthorized destruction and/or mutilation of any Department record, book, or document.

Section 340.3.5 (n)- Work related dishonesty, including attempted or actual theft of Department property, services or the property of others.

Section 340.3.5 (o)- criminal, dishonest, infamous or notoriously disgraceful conduct adversely affecting the employee/employer relationship (on or off duty).

Section 340.3.5 (p)- Failure to disclose material facts of the making of any false or misleading statement on any application, examination or other official document, report or form.

Section 340.3.6 (f)- Violating departmental safety standards or safe working practices.

In addition to the policy violations listed by the IA investigators, I have also determined the following violations have occurred based on the findings within this report.

Section 340.3.1 (a)- Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.

Section 340.3.5 (ad)- Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

I advise you of my intent to recommend termination as outlined above pursuant to *Skelly v State Personnel Board (1975) 15 Cal.3d 194* and Clovis Police Department Policy 340.

If you believe my proposed action is not appropriate you have the right to respond to me either orally or in writing.

A *written* response must be received no later than July 2, 2013 by 5:00 p.m.

If you wish to respond *orally*, you must submit a written request to me as soon as possible and no later than July 2, 2013 by 5:00 p.m. A conference will then be scheduled upon receiving such a request. If you wish to respond orally, you have the right to be represented by an attorney or other representative in preparing and/or presenting your response. Failure to respond to this Notice of Intent to Discipline will result in final disciplinary action.

_____ _____

Received this Date Kyle Pennington

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE

FIREARMS ELIGIBILITY APPLICANT

APPLICATION FOR: (check appropriate box)

☐ Peace Officer Agency _____

☐ Carry Concealed Weapon CII Number [redacted]

APPLICANT INFORMATION:

_____
Name (last, first, middle)

_____ [redacted] [redacted]
Sex Date of Birth Social Security Number

FIREARMS STATUS: **SUBSEQUENT NOTIFICATION**

☐ Not Prohibited

☒ Prohibited

☐ Lifetime ☐ Limited – Expiration Date: _____

☐ Other _____

_____

_____

_____

_____

_____

Analyst _____ Date _____

WHITE – DOJ File; PINK – Agency Response

CLOVIS POLICE DEPARTMENT

To: Kyle Pennington, Police Officer

From: [redacted], Police Captain

Date: June 19, 2013

Subject: **NOTICE OF INTENT TO SUSPEND WITHOUT PAY**

The District Attorney notified us that you have been charged with Felony Criminal Charges, including charges relating to domestic violence, which even if a misdemeanor would prohibit you from carrying a firearm. There is also a pending internal affairs investigation, IA 13-05 arising out of the same conduct that led to the criminal charges.

Based on this information and the fact that if convicted you will be unable to perform your duties as a police officer, we intend to suspend you **without pay** effective **June 21, 2013**. This unpaid leave will be in effect until resolution of your criminal proceedings or the conclusion of IA 13-05 by a final determination on whether to file charges and discipline, whichever occurs first.

If you would like to address our intended action, we have set aside Thursday, June 20, 2013, at 5:00 p.m. for you to meet with me. You may have a representative or attorney present. Please notify me that you plan to attend and timely report to Clovis Police Department, Chief's Conference Room, at 5:00 p.m. on Thursday if you wish to meet.

Signed_____ Date_____

E-MAILED TO [redacted]
6/19/13
[redacted]

J:\wdocs\00615\079\ltr\00280414.DOC

CLOVIS POLICE DEPARTMENT
Right to DRB Letter

To: Kyle Pennington, Police Officer

From: [redacted] Police Captain

Date: June 17, 2013

Subject: Notice of Right to Disciplinary Review Board

The following charges alleged in IA 13-03 have been sustained:

- Policy 340.3.5(aa) - Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.

- Policy 340.3.5(i) - The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.

- Policy 340.3.5(n) - Work-related dishonesty, including attempted or actual theft of department property, services or the property of others, or the unauthorized removal or possession of department property or the property of another person.

- Policy 340.3.5(o) - Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.

- Policy 340.3.5(p) - Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.

- Policy 340.3.6(f) - Violating departmental safety standards or safe working practices.

I have reviewed the investigative file and have determined that disciplinary action is warranted. Please see the attached internal affairs investigation for a detailed description of the investigation and charges that were sustained.

In accordance with Policy Manual Section 340.5, you are entitled to a review by a Disciplinary Review Board or by a Division Commander. The purpose of this review is to provide the Board or the Division Commander the information necessary to make disciplinary recommendations based upon the evidence, testimony, and reports surrounding this (IA/Citizen Complaint Investigation). The Disciplinary Review Board will consist of one Division Commander, one supervisor and one police officer/CPOA member. Conduct of the Board or Division Commander shall be conducted in accordance with Government Code Section 3300 et seq. (Public Safety Officers Procedural Bill of Rights Act), when applicable, and City of Clovis Personnel Rules and Regulations. . During these proceedings you may be accompanied by a representative or attorney if you wish.

Please indicate your preference and return this document to the Chief's secretary or phone her at 324-2408. *You have five calendar days from receipt of this notice to respond.* If you do not respond within that time, a Disciplinary Review Board will be convened.

☐ I request a review by a Disciplinary Review Board

☐ I request a review by a Division Commander.

Signed_____ Date_____

[redacted]

VIA FACSIMILE (559) 324-2439 AND REGULAR U.S. MAIL

June 19, 2013

Captain [redacted]
Clovis Police Department
1233 Fifth Street
Clovis, Ca 93612

Re: Officer Kyle Pennington
Our File No. 911.43 / 911.44

Dear Captain [redacted]:

I am in receipt of the notice to Officer Pennington informing him of his right to a DRB review of IA 13-03. I have discussed this matter with my client and hereby elect to have the matter reviewed by a Division Commander.

Sincerely,

LAW OFFICES OF [redacted]

Attorneys for Kyle Pennington

cc: Kyle Pennington

[redacted]

VIA FACSIMILE (559) 324-2439 AND REGULAR U.S. MAIL

June 19, 2013

Captain [redacted]
Clovis Police Department
1233 Fifth Street
Clovis, Ca 93612

Re: Officer Kyle Pennington
Our File No. 911.43 / 911.44

Dear Captain [redacted]:

I am in receipt of your letter dated for today's date, wherein you inform Officer Pennington that he is being placed on unpaid leave as of June 21, 2013. In that letter you state that the reason for Officer Pennington being placed on unpaid leave / suspension is the filing of criminal charges against him by the Fresno County District Attorney as well as pending IA# 13-05, and that you are available to meet and discuss the City's intended action at 5:00pm tomorrow evening at the Clovis Police Department. Please consider this letter Officer Pennington's formal response to the City's intention to place him on unpaid suspension:

Labor Code section 432.7(g) prohibits persons with access to criminal records to disclose an arrest, absent conviction, for the purposes of affecting a person's employment. Peace officers are expressly protected from use of arrest records for any purpose other than *paid* administrative leave by Lab. Code § 432.7(b). 432.7 is a "statutory prohibition on the use by an employer of the record of an arrest not resulting in a conviction or which was followed by referral to and participation in a diversion program." (Central Valley Chapter of the 7th Step Foundation, Inc. v. Younger (1989) 214 Cal. App. 3d 145.) An employer may not suspend an employee without pay "solely on the ground that the employee has been arrested." (*Pitman v. City of Oakland* (1988) 197 Cal. App. 3d 1037; *Piutau v. Federal Express Corp.* (2003) U.S. Dist. LEXIS 6830, later affirmed in unpublished decision at *Piutau v. Federal Express Corp.* (2004, 9th Cir.) 2004 U.S. App. LEXIS 21638.)

It is imperative to note that Mr. Pennington has only been arraigned on the charges against him. No preliminary hearing has been held in which to determine whether sufficient evidence exists to even *maintain* the charges against him, let alone any proceeding to determine his guilt or

innocence. No evidence has been presented in this matter upon which to base any finding regarding the factual accuracy of the criminal complaint. The Notice of Unpaid Leave is devoid of any allegation that such a determination has been made in any forum. We further note that, even if the allegations against Mr. Pennington could be proven, it is common practice to offer participation in a diversion program to defendant's charged with domestic violence related crimes, absent prior criminal convictions, in exchange for dismissal of the charges. 432.7 prohibits the use of arrests which resulted in participation in *any* diversion program for disciplinary purposes. Thus, even in the highly unlikely event that the factual allegations against Mr. Pennington could be proven, the criminal case would most probably not provide proper grounds upon which to base the decision to place Mr. Pennington on unpaid leave given the past practice of the court.

We therefore strenuously object to any intention by the City to place Mr. Pennington on unpaid leave or unpaid suspension pending the outcome of his criminal case or the pending internal affairs investigation. It is unlawful to do so, and should the City persist in its intended course of action, this office will have no choice but to seek judicial intervention to protect Mr. Pennington's rights to continued employment on Paid Administrative Leave. Please feel free to contact me should you have any additional concerns or questions regarding the above.

Additionally, please note that I will not be representing Mr. Pennington in connection with any criminal charges which may or may not be filed against him in this matter and am retained solely for the purpose of representation in connection with his employment.

Sincerely,

LAW OFFICES OF [redacted]

Attorneys for Kyle Pennington

cc: Kyle Pennington

[redacted]

VIA FACSIMILE (559) 324-2439 AND REGULAR U.S. MAIL

June 19, 2013

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Clovis, Ca 93612

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LAW OFFICES OF

[redacted]

Attorneys for Kyle Pennington

cc: Kyle Pennington

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Additionally, please note that I will not be representing Mr. Pennington in connection with any criminal charges which may or may not be filed against him in this matter and am retained solely for the purpose of representation in connection with his employment.

Sincerely,

LAW OFFICES OF

[redacted]

Attorneys for Kyle Pennington

cc: Kyle Pennington

CLOVIS POLICE DEPARTMENT
MEMORANDUM

TO: [redacted], Police Sergeant
[redacted], Police Corporal

FROM: [redacted], Police Captain

DATE: March 7, 2013

SUBJECT: Internal Affairs Investigation # 13-03
Kyle Pennington, Police Officer

You are hereby assigned to conduct an Internal Affairs investigation concerning violation of Department Rules & Regulations section _____ involving Police Officer Kyle Pennington. It is your responsibility to notify and brief the employee on the procedure as soon as possible, unless there is a compelling reason not to do so.

Pertinent information on the incident is attached. Your completed report, with findings and recommendation, is to be returned to my office no later than Friday, March 29, 2013.

[redacted]
Attachment
cc: Internal Affairs Investigation #13-03

CLOVIS POLICE DEPARTMENT

COMPLAINT FORM

PLEASE PRINT CLEARLY

Name [redacted] [redacted] [redacted]
(First) (Middle) (Last)

Address [redacted]
(Number - Street) (City) (State) (Zip)

Home Phone [redacted] Work Phone _____

Between _____AM/PM and _____AM/PM

Officers/Employees involved in this complaint: N/A

Date of Incident _____ Time of Incident _____

Location of Incident _____

Explanation of Complaint: (Attach additional sheets as necessary)

(see attached)

CALIFORNIA PENAL CODE SECTION 148.6 GIVES YOU THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

I have read and understand the above statement.

Date Submitted _____ Signature of Complainant [redacted]

Received, 02/04/13 @10:02

[redacted]

February 28, 2013

To Whom It May Concern:

I am writing in regards to Officer Kyle Pennington that currently works for the Clovis Police Department. I have known Kyle for the past 8 months, and after discovering what a dishonest person he is, I chose to remove myself from any type of relationship involving him. I am astonished that you would have an officer of such low integrity working for you and representing your department; Kyle Pennington is a known liar to all that know him in his personal life. After having an affair on his wife of 8 years for 4 years he has proven himself to be deceitful to all around him. How can a man of such low integrity and dishonesty be suitable for a job of authority that requires honesty and integrity? How can he be honest when upholding the law as a Police Officer when he isn't in all other aspects of his life? I think it is in the Clovis Police Department's best interest to be aware of a few of Kyle Pennington's recent actions.

Officer Kyle Pennington who is also in the Army Reserves has been taking advantage of the Clovis Police Department and their understanding of its military service members who work for the department. I have witnessed Kyle Pennington on multiple occasions take time off from work under the guise that he has "military duty" when in fact he did not attend any military obligations and instead went out drinking at bars or went out of town on vacation. During these times, Kyle stated that he needed to, "lay low and stay out of Clovis," so he would not get caught while doing this. Yet, Kyle Pennington is currently amidst a law suit that he filed against the City of Clovis because he feels he is entitled to a pay raise even though he was not here to earn it.

During Kyle Pennington's recent time on "Light Duty" I witnessed Kyle play sports, do construction work on his house, and go to the gym on a daily basis. How can a man who is capable of doing vigorous personal activities be incapable of working his regular duties? During this time Kyle expressed to me that he was enjoying, "sitting around getting paid to do nothing." On December 31st, 2012 while Kyle was "unable to work" due to his "injury" he worked a side job posing as a gold statue in Lemoore at the Taichi Palace Casino which required him to stand in one position for 4 hours. Yet during this time Kyle had informed the department that he was "unable to work due to his knee being so painful." I have pictures of him working at this event.

I have also witnessed Kyle Pennington on multiple occasions drinking heavily and then driving his black Toyota Tundra while extremely intoxicated. During these times, I had insisted that Kyle not drive while intoxicated to which he replied that he was "in Clovis and won't get a DUI," implying that because he worked for Clovis PD that he was somehow immune to a DUI.

When I first knew Kyle, while he was on duty and in uniform, he would stop by my house and have sexual relations with me. He would also sit in my house for hours watching TV, eating, and talking to me while he was supposed to be working.

On other occasions, Kyle Pennington, while working, would travel to various places around Clovis and Fresno to pick me up in his patrol car because he insisted on giving me a ride home. At one point, he even traveled as far as Palm and Nees, in Fresno, to my friend's apartment complex in his Clovis Patrol car to pick me up. He then drove me on the 41 freeway reaching speeds over 120mph back to my residence in Clovis.

I have also been on multiple ride-a-longs with Kyle Pennington all of which resulted in us having sexual relations in his patrol car while he was working. I had inquired with Kyle on each of these occasions if doing these things would get him in trouble, to which he replied "No" and that he "does whatever he wants"

Due to Kyle Pennington's temper and current body type I believe Kyle is also on steroids. I have found syringes and bottles of foreign substances in his belongings. To my knowledge, Kyle Pennington is not a diabetic nor does he have any medical condition that requires him to use syringes.

Kyle Pennington has become extremely physical with me on multiple occasions and has caused serious injuries to my person. He has left many bruises on my arms, legs, and ribs. He was physically and mentally abusive to me. Although no reports have been filed at this time, there are several witnesses that have seen me visibly upset and bruised after our altercations. My father, a retired Deputy for the Kern County Sheriff's Department, is a witness to this as well.

I believe Kyle Pennington has a sex addiction as well as a pornography addiction. I have witnessed Kyle Pennington visit local strip clubs and massage parlors late at night on numerous occasions. In Kyle Pennington's computer there are files upon files of pornography, most of which have a common theme of extremely young girls who appear to be **not of legal age**. Throughout the time that I have known Kyle he would watch pornography on a daily basis.

I believe it is in the best interest of the Clovis Police Department to investigate these claims further. I can provide witnesses, evidence, and testimony for all accounts.

Sincerely,

[redacted]

CLOVIS POLICE DEPARTMENT
MEMORANDUM

TO: [redacted] Police Sergeant
Police Corporal

FROM: [redacted], Police Captain

DATE: March 7, 2013

SUBJECT: Internal Affairs Investigation # 13-03
Kyle Pennington, Police Officer

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CLOVIS POLICE DEPARTMENT

COMPLAINT FORM

PLEASE PRINT CLEARLY

Name [redacted] [redacted] [redacted]
(First) (Middle) (Last)

Address [redacted] [redacted] [redacted]
(Number - Street) (City) (State) (Zip)

Home Phone [redacted] Work Phone _____

Between _____ AM/PM and _____ AM/PM

Officers/Employees involved in this complaint: Kyle Pennington

Date of Incident _____ Time of Incident _____

Location of Incident _____

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Date Submitted 2/5/2013 Signature of Complainant [redacted]

Received 02/06/13 @10:02

[redacted]

February 28, 2013

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